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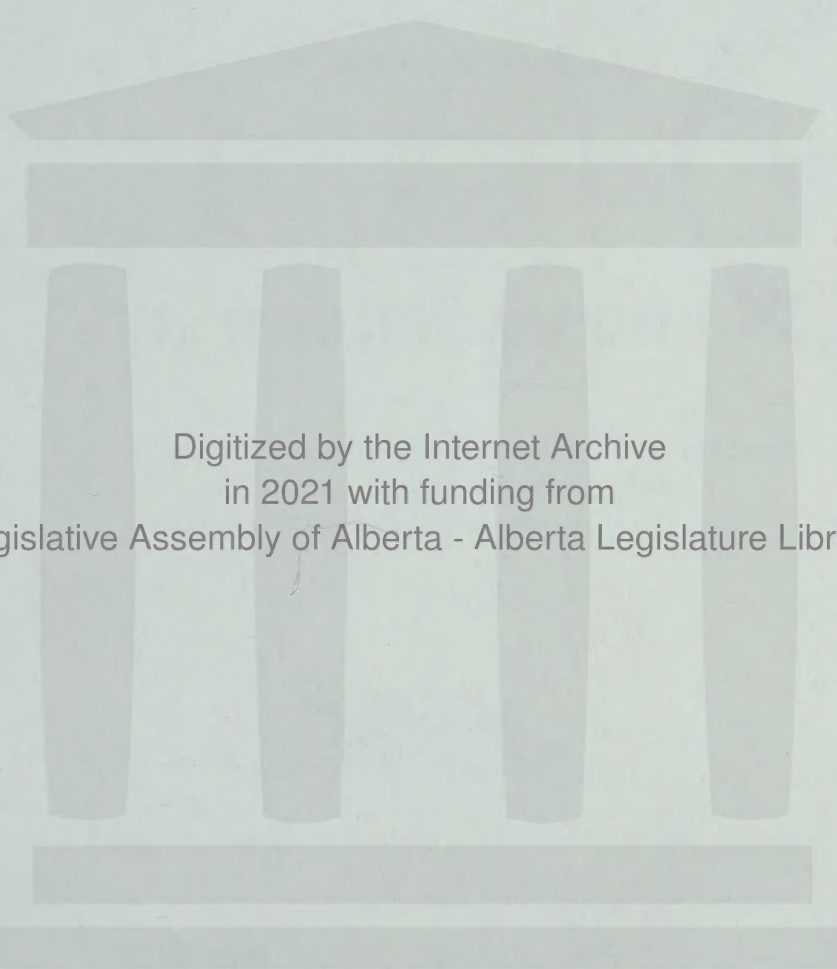
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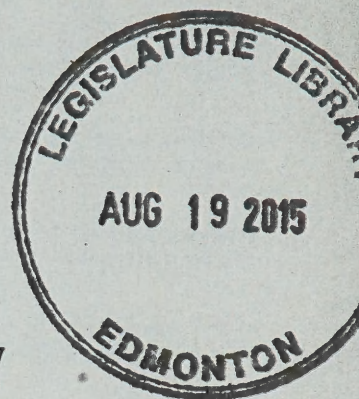


ORDINANCES  
OF  
THE NORTH-WEST TERRITORIES

PASSED IN THE FIRST SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY



BEGUN AND HOLDEN AT REGINA ON THURSDAY, THE SIXTEENTH  
DAY OF APRIL, AND CLOSED ON FRIDAY, THE  
NINETEENTH DAY OF JUNE, 1903.



HIS HONOUR AMEDÉE EMMANUEL FORGET,  
LIEUTENANT GOVERNOR

---

REGINA

JOHN A. REID, GOVERNMENT PRINTER

1903







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1903

## CHAPTER 1

An Ordinance for granting to the Lieutenant Governor certain Sums of Money required for defraying certain Expenses of the Public Service for the Financial Year ending the Thirty-first day of December, 1903, and for other purposes.

*[Assented to April 25, 1903.]*

MAY IT PLEASE YOUR HONOUR:

**W**HEREAS it appears by Message from His Honour Preamble  
Amedée Emmanuel Forget, the Lieutenant Governor of the North-West Territories, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Ordinance are required to defray certain expenses of the Government and public service of the Territories not otherwise provided for during the financial year ending the thirty-first day of December one thousand nine hundred and three, and for other purposes relating thereto: May it therefore please Your Honour that it may be enacted and be it enacted by the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories as follows:

**1.** From and out of the general revenue fund there shall and may be paid and applied a sum not exceeding in the whole Provisional appropriation for 1903  
one hundred and ten thousand dollars (\$110,000.00) to defray the expenses of Legislation, Maintenance of Public Institutions, salaries of the officers of the Government and Public Service, and for all other services of the Government coming in course of payment from the first day of January in the year of Our Lord one thousand nine hundred and three up to and until the final passage of the estimates of expenditures for the financial year one thousand nine hundred and three, as set forth in schedule A to this Ordinance.

**2.** The due application of all moneys expended under this Accounts  
Ordinance shall be accounted for.



SCHEDULE A.

Sum granted to the Lieutenant Governor by this Ordinance for the year one thousand nine hundred and three, and the purposes for which it is granted :

To defray the expenses of legislation, maintenance of public institutions, salaries of the officials of the Government and public service, and for all other services of the Government coming in course of payment from the first of January, 1903, up to and until the final passage of the estimates of the expenditure for the financial year 1903.....\$100,000.00

To provide for payment of one half of the sessional indemnity, with all travelling expenses due to members of the Legislative Assembly for the present session, notwithstanding anything contained in the Ordinance respecting the Legislative Assembly.....\$ 10,000.00



1903

## CHAPTER 2

An Ordinance for granting to the Lieutenant Governor certain Sums of Money for the Public Service for the Financial Year ending the Thirty-first day of December, 1903.

[Assented to June 19, 1903.]

MAY IT PLEASE YOUR HONOUR:

**W**HEREAS it appears by Message from His Honour Amedée Preamble  
Emmanuel Forget, the Lieutenant Governor of the North-  
West Territories, and the estimates accompanying the said  
Message, that the sums hereinafter mentioned are required to  
defray certain expenses of the public service of the Territories not  
otherwise provided for during the financial year ending the  
thirty-first day of December one thousand nine hundred and  
three, and for other purposes relating thereto: May it there-  
fore please Your Honour that it may be enacted and be it  
enacted by the Lieutenant Governor by and with the advice and  
consent of the Legislative Assembly of the Territories as  
follows:

1. This Ordinance may be cited as "*The Appropriation* Short Title  
*Ordinance 1903.*"

2. From and out of the general revenue fund there may be paid and applied a sum not exceeding in the whole seven hundred and eleven thousand eight hundred and forty-three dollars and fifty cents towards defraying the several charges and expenses of the public service of the Territories for the financial year ending the thirty-first day of December in the year of Our Lord one thousand nine hundred and three not otherwise provided for and set forth in schedule A to this Ordinance and also for the other purposes in the said schedule mentioned.

3. The due application of all moneys expended under this Ordinance shall be accounted for.

\$711,843.50  
granted for  
year 1903  
Application  
to be  
accounted  
for.



## SCHEDULE A.

SUMS granted to the Lieutenant Governor by this Ordinance for the financial year ending December 31, 1903, and the purposes for which they are granted :

## CIVIL GOVERNMENT.

EXECUTIVE COUNCIL	\$	c.	\$	c.
President of Council .....	500	00		
3 Members of Council each at \$3,000.00 .....	9,000	00		
Clerk of Council and Government Printer (also Assistant Treasurer) .....	300	00		
Clerk .....	720	00		
Clerk, stenographer and typewriter .....	600	00		
Clerk, telegrapher and stenographer to President of Council (9 months at \$45.00) .....	405	00		
Translator to Public Service (which may be paid to any member of the Public Service notwithstanding anything contained in The Public Service Ordinance) .....	240	00		
Messenger .....	600	00		
Government Printer .....				
Clerk, assistant to Government Printer .....	840	00		
General expenses of Executive Council and Government Printer's Office .....	3,000	00		
			16,205	00

## ATTORNEY GENERAL'S DEPARTMENT

Deputy Attorney General .....	2,000	00		
Clerk, correspondence and record .....	1,000	00		
Clerk, liquor licence administration .....	720	00		
Clerk, stenographer and typewriter .....	840	00		
Clerk, stenographer and typewriter .....	540	00		
General expenses of Attorney General's Department .....	1,400	00		
			6,500	00

## TERRITORIAL SECRETARY'S DEPARTMENT

Assistant Secretary .....	1,500	00		
Clerk, stenographer and typewriter, 1, 5 months at \$50.00 and 1, 7 months at \$30.00 .....	460	00		
General expenses of Territorial Secretary's Department including offices of the Legislative Assembly .....	500	00		
			2,460	00

## TREASURY DEPARTMENT

Assistant Treasurer (also Clerk of the Executive Council and Government Printer) .....	1,500	00		
Clerk and cashier .....	1,400	00		
Clerk and accountant .....	1,000	00		
Clerk .....	840	00		
Clerk .....	720	00		
Clerk .....	600	00		
Auditor .....	1,800	00		
Clerk and assistant auditor .....	1,000	00		
Clerk and bookkeeper .....	720	00		
Clerk .....	720	00		
General expenses of Treasury Department .....	600	00		
			10,900	00

## PUBLIC WORKS DEPARTMENT

Deputy Commissioner (also Chief Engineer and Chief Surveyor) .....	2,000	00		
Assistant to Chief Engineer .....	2,000	00		
Assistant to Chief Surveyor .....	1,500	00		
Drainage engineer and surveyor .....	1,800	00		
Clerk, accountant .....	900	00		
Clerk in charge of correspondence and records, etc. ....	840	00		
Clerk in charge of administration of Steam Boilers Ordinance, etc. ....	720	00		



	\$	c.	\$	c.
Clerk in charge of administration of well boring, road work, etc. ....	600	00		
Clerks, stenographers and assistants : 1 at \$80 for 4 months; 4 at \$50; 1 at \$50 for 2 months; 4 at \$45; 1 at \$45 for 5 months; 1 at \$40; 2 at \$40 for 7 months. ....	6,245	00		
General expenses of Public Works Department. ....	3,000	00		
			19,605	00

## AGRICULTURE DEPARTMENT

Deputy Commissioner (also Recorder of Brands).....	1,500	00		
Chief Clerk (6 months at \$80 in 1903).....	480	00		
Clerk, assistant to Recorder of Brands.....	1,000	00		
Clerk, record, stenographer and typewriter. ....	780	00		
Clerk, stenographer and typewriter. ....	720	00		
Clerk, stenographer and typewriter.....	660	00		
Clerk, stenographer and typewriter.....	600	00		
Clerk, statistical work and accounts.....	540	00		
Clerk, stenographer and typewriter.....	480	00		
Messenger (also paid \$45 per month as caretaker).....	120	00		
General expenses of Agriculture Department.....	2,000	00		
			8,880	00

## DEPARTMENT OF EDUCATION

Deputy Commissioner.....	1,800	00		
Clerk .....	1,000	00		
Clerk .....	1,000	00		
Clerk, stenographer and typewriter.....	600	00		
Clerk .....	600	00		
Clerk, stenographer and typewriter.....	480	00		
General expenses of Education Department.....	1,200	00		
			6,680	00

## LEGISLATION.

Deputy Speaker's allowance (sessional).....	100	00		
Mr. Speaker's allowance (sessional).....	500	00		
Indemnity to members, including travelling expenses at times of opening, adjournment, reopening and prorogation .....	20,000	00		
Clerk of the Legislative Assembly.....	400	00		
Page .....	50	00		
Postage and Telegrams .....	75	00		
Library.....	750	00		
Newspapers and periodicals .....	250	00		
Contingencies .....	250	00		
			22,375	00

## ADMINISTRATION OF JUSTICE

## SUPREME COURT

Sheriff attending Supreme Court <i>en banc</i> .....	100	00		
Clerks.....	4,500	00		
Contingencies .....	100	00		
			4,700	00

## MISCELLANEOUS JUSTICE

Prosecutions and legal proceedings .....	2,000	00		
Maintenance of persons confined under civil process and Ordinances.....	100	00		
Contingencies.....	100	00		
			2,200	00

## ADMINISTRATION OF THE LIQUOR LICENCE ORDINANCE

Inspections.....	4,500	00		
Commissioners' meetings.....	1,500	00		
Advertising .....	250	00		
Contingencies.....	250	00		
			6,500	00



	\$	c.	\$	c.
PUBLIC WORKS.				
Legislative and departmental buildings.....	5,000	00		
Normal schools.....	1,500	00		
Tools and implements.....	4,000	00		
Aid to local improvement districts and rural municipalities.....	17,000	00		
Taxes on land forfeited under provisions of Territorial Ordinances.....	1,500	00		
Inspection and superintendence of public works.....	3,000	00		
Inspection coal mines.....	2,000	00		
Inspection steam boilers.....	6,000	00		
Fireguards.....	5,000	00		
Dams.....	2,000	00		
Aid in boring and testing for water for wells.....	20,000	00		
Ferry accommodation.....	9,500	00		
Ditches and drains.....	15,000	00		
Reconstruction and repair of public works.....	35,000	00		
Construction of bridges.....	75,000	00		
Improvement of roads.....	60,000	00		
Survey of roads, drains, reservoirs and other lands required for public works and purchase of right of way.....	45,000	00		
To provide for examination into the affairs and works of the Springbank irrigation district.....	750	00		
Contingencies.....	1,000	00		
			308,250	00

## EDUCATION.

Grants to schools.....	180,000	00		
Normal school and teachers' institutes—				
Principal.....	1,700	00		
Assistant principal.....	1,500	00		
Teacher.....	900	00		
General expenses of normal schools and teachers' institutes.....	1,500	00		
Inspection of schools—				
Inspectors (4 at \$1,400 and 3 at \$1,400 for 9 months in 1903)	8,750	00		
Travelling expenses and subsistence.....	3,700	00		
Expenses of meetings of educational council.....	500	00		
Examinations.....	2,100	00		
Education, maintenance and transportation of deaf mutes	5,000	00		
Remuneration and expenses of persons appointed under clauses 1, 2 and 3 of section 7 of The School Ordinance..	500	00		
Contingencies.....	150	00		
			216,300	00

## AGRICULTURE AND STATISTICS.

Expenditure under The Agricultural Societies Ordinance..	5,000	00		
To provide for expenses of judges at exhibitions.....	600	00		
To promote and encourage the importation and to develop the production and interchange of improved stock within the Territories.....	2,000	00		
To conduct experimental work in the Territories.....	1,500	00		
Destruction of gray or timber wolves. (To be expended under regulations established by Order in Council)....	2,500	00		
Destruction of noxious weeds.....	6,000	00		
To provide for the preparation and publication of official brand book.....	1,000	00		
Collection and compilation of vital statistics.....	2,500	00		
Collection and compilation of agricultural, medical and other statistics.....	1,500	00		
To promote the work of agricultural and live stock institutes and associations.....	3,500	00		
Grant to Grain Growers' Association.....	300	00		
Grant to Purebred Cattle Breeders' Association.....	400	00		
Grant to Horse Breeders' Association.....	200	00		
Grant to Sheep Breeders' Association.....	100	00		
Grant to Swine Breeders' Association.....	100	00		
Contingencies.....	150	00		
			27,350	00



## HOSPITALS, CHARITIES AND PUBLIC HEALTH.

	\$	c.	\$	c.
Expenditure under The Hospitals Ordinance.....	17,581	00		
Care of incurables .....	1,500	00		
Contingencies.....	1,250	00		
			20,331	00

## MISCELLANEOUS.

Government Printer's advance (to provide for payment of all printing and binding done and stationery or office supplies purchased for the use of the Legislative Assembly or any Department of the Public Service)...	15,000	00		
To provide for payment of interest upon overdrafts at the Union Bank during 1902 and 1903 .....	6,500	00		
Expenditure under The Elections Ordinance .....	2,500	00		
To provide for guarantee bonds upon Public Service.....	125	00		
To provide for payment of relief and assistance rendered to the residents of Frank and other expenditures made on account of the recent rockslide at Turtle Mountain .....	2,500	00		
To pay Arthur Onslow out of the proceeds of the estate of Frank E. Statham, deceased, the sum of \$512.50 .....	512	50		
To reimburse G. W. A. McNeice the amount paid by him for an estray animal which was afterwards recovered by the original owner, the net proceeds of the sale having been paid into the Revenue .....	20	00		
Grant to Territorial Rifle Association.....	200	00		
Refunds.....	250	00		
Unforeseen and unprovided for (to be expended under Order in Council) .....	5,000	00		
			32,607	50
			711,843	50



1903

### CHAPTER 3

An Ordinance to amend Chapter 1 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting the Form and Interpretation of Ordinances."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Paragraph 48  
section 8  
amended

1. Paragraph 48 of Section 8 of *The Interpretation Ordinance* is hereby amended by adding thereto the following words :

"But where there is no provision in the repealing ordinance or regulation relating to the same subject matter the repealed ordinance or regulation shall stand good and be read and construed as unrepealed in so far but in so far only as is necessary to support, maintain or give effect to such right or right of action and the enforcement thereof."

Commence-  
ment of  
amendment

2. The above section shall, except in respect of any action now pending, be deemed to have been in force from the 15th day of March, 1899.



1903

## CHAPTER 4

An Ordinance to amend Chapter 2 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting the Legislative Assembly of the Territories."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Section 18 of "*An Ordinance respecting the Legislative Assembly of the Territories*" is hereby repealed and the following substituted therefor: <sup>New Section 18</sup>

"18. There shall be allowed to each member five cents for each mile of the distance between the nearest railway station to the place of residence of such member and the place at which the session is held reckoning such distance going and coming according to the shortest railway route together with his actual travelling expenses between his place of residence and such railway station when such distance is greater than five miles." <sup>Travelling expenses</sup>

(2.) This section shall only apply in the case of any session held after the passing of this Ordinance.

2. Section 2 of Chapter 2 of the Ordinances of 1902 is hereby amended by adding thereto the following subsection: <sup>Section 2, chapter 2 of 1902 amended</sup>

"(3) The provisions of this section shall not apply to any member of the Legislative Assembly by reason of his being a shareholder in or otherwise connected with an incorporated company which holds, accepts, enjoys, undertakes, enters into or executes any such commission contract or agreement but no such member shall vote on any question affecting any such commission, contract or agreement."

1903

## CHAPTER 5

An Ordinance to amend Chapter 12 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting Inquiries Concerning Public Matters."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 3  
amended

1. Section 3 of "*An Ordinance respecting Inquiries Concerning Public Matters*" is hereby amended by adding thereto the following subsection :

(2) The Lieutenant Governor in Council may also from time to time when he deems it expedient appoint an inspector to examine into the affairs of any public administrator or any other public officer whether such person has ceased to be such public administrator or other public officer or not and report to him upon the condition of such affairs.



1903

## CHAPTER 6

### An Ordinance respecting Drainage.

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Drainage Ordinance*." Short title

#### INTERPRETATION.

2. In this Ordinance, unless the context otherwise requires— Interpretation

1. The expression "department" means the Department of Public Works for the Territories.

2. The expression "commissioner" means the Commissioner of Public Works for the Territories.

3. The expression "engineer" means any engineer or land surveyor employed from time to time to perform any of the duties necessary for the carrying out of the provisions of this Ordinance.

4. The expression "road" means and includes any public trail, road or highway including any road allowance laid out under the provisions of *The Dominion Lands Act*.

5. The expression "report" includes all maps, plans and estimates of cost of any work undertaken under this Ordinance.

6. The expression "owner" includes any person who by any right, title or estate whatsoever is or is entitled to land and the executor or administrator of an owner, the guardian of an infant owner, any person entitled to sell or convey the land, an agent of an owner under a general power of attorney or under a power of attorney empowering him to deal with the land and as regards roads, the Commissioner of Public Works.

7. The expression "judge" means a judge of the Supreme Court of the Territories usually exercising jurisdiction in the district in which any ditch or any proposed ditch is or will be situate.

8. The expression "clerk" or "clerk of the court" or 'Clerk of the Supreme Court' means any clerk or deputy

clerk of the Supreme Court of the Territories in whose district any ditch or proposed ditch under this Ordinance is or will be situate.

9. The expression "ditch" or "drain" means and includes a drain open or covered wholly or in part and whether in the channel of a natural stream, creek or watercourse or not, and also the work and material necessary for bridges, culvert catch-basins and guards in connection therewith.

10. The expression "government ditch" means any ditch constructed by the commissioner whether any portion or all of the expense of the construction and maintenance thereof is borne by the Territories or not.

#### CONSTRUCTION OF GOVERNMENT DITCHES.

Examination  
for proposed  
ditch

3. Whenever the commissioner deems it may be of public benefit to construct any ditch for the purpose of improving any road in the Territories he may have an examination and survey made of the said tract with the view of determining the feasibility and cost of the construction of such ditch.

Report of  
engineer

4. The engineer employed to make the examination shall, as soon as possible, submit a report to the commissioner on the proposed ditch; which report shall include an assessment showing the proportion of the cost of the proposed undertaking payable by every road and parcel of land to be benefited and shall be filed in the department.

Basis of  
assessment

5. The assessment shall be based upon the benefit to be derived from the ditch and the benefit to any parcel of land shall be determined by its increased value for the purpose for which it is or may be used and the benefit to any road by the cost either of making such road as efficient for a highway as it will be made by the construction of the proposed ditch or of providing some alternative road and making it as efficient for a highway as the benefited road will be made by the construction of the proposed ditch.

Notice of  
intention to  
proceed and  
of place for  
inspection  
of report

6. In the event of the commissioner determining after the receipt of the said report that the proposed ditch shall be constructed, such construction may be proceeded with forthwith; and the commissioner shall cause a notice to be inserted in two consecutive weekly issues in a newspaper, published or circulating in the vicinity of such proposed ditch, of the determination to proceed with the construction thereof, and of the place or places where a copy of the engineer's report may be inspected, one of which shall be at some convenient place in the vicinity of such proposed ditch.

Notice of  
appeal from  
assessment

7. At any time within twenty days after the publication of the notice provided for in the next preceding section, any person affected by the assessment made by the engineer's report may file with the clerk of the court a notice of appeal



from such assessment or any portion thereof, which notice shall specify the ground of appeal and shall be in duplicate.

(2) The notice of appeal shall contain the post office address of the appellant and of the person whose assessment is appealed against, if any, and shall be accompanied by the sum of ten dollars, the disposition of which shall be determined by the judge after hearing the appeal.

(3) One duplicate of each notice of appeal shall be forwarded by the clerk to the commissioner at Regina by registered mail as soon as the time for filing notices of appeal has expired.

8. The clerk shall thereupon submit the notices of appeal to the judge who shall fix a time and place for hearing the appeals of which notice has been given as prescribed by the next preceding section. Judge to fix a time and place for hearing

9. At least ten days' notice of the time and place so fixed shall be given by the clerk to the commissioner and to the applicant and to the person against whose assessment the appeal is made, if any, by registered letter. Notice to be given

10. At the time and place so fixed the judge shall proceed to inquire into the sufficiency of the said appeals and for such purpose shall be a court of record and shall have all the powers vested in a court of record in civil cases. Hearing appeals

11. The judge may adjourn the said inquiry from time to time and from place to place as he shall think fit. Adjournment

12. As soon as may be after the hearing of the evidence adduced the judge shall render his decision and shall confirm or alter the assessment in accordance therewith. Decision of judge

13. The costs of any appeals shall be paid and apportioned between the parties in such manner as the judge may think fit and in the event of the \$10 deposited by any party ordered to pay costs not proving sufficient to pay the costs he is ordered to pay the deficiency shall be paid by the commissioner and shall be added to and form part of the amount of the assessment against the party ordered to pay such costs. Costs of appeals how apportioned

14. The costs allowable under the next preceding section shall be witness fees and expenses, and clerk's fees and expenses and no other which fees and expenses shall be the same as those allowable for similar services under the rules of the Supreme Court. What costs allowable

15. The commissioner may make such arrangements as he may think fit for the construction of any government ditch either by contract or by day labour and for the payment therefor; and for the purpose of such construction and all examinations and other works preliminary or subsequent Construction of government ditch

thereto may by himself, his engineers, agents and servants together with teams, tools, machinery or appliances enter upon any and all lands in whomsoever they are vested.

Penalty for  
obstruction of  
work

**16.** Every person who interrupts, hinders or molests any person while engaged under authority of the commissioner in making any examination for or in constructing, maintaining or repairing any government ditch or the works connected therewith shall be guilty of an offence and upon summary conviction thereof liable to a penalty not exceeding \$50 and costs or to imprisonment for a period not exceeding thirty days or to both.

Capacity of  
outlet

**17.** Every ditch or drain constructed under the provisions of this Ordinance shall be continued to an outlet of sufficient size and capacity to carry off the water delivered from such ditch or drain in addition to the water flowing in such outlet during any period of the year; and if necessary such outlet shall be enlarged as part of the construction of such ditch or drain to make it of sufficient size to carry the additional water delivered from such ditch or drain.

Apportion-  
ment of cost of  
construction

**18.** As soon as conveniently may be after the completion of the construction of any government ditch the commissioner shall ascertain the total cost thereof which shall include the cost of purchasing or expropriating the right of way for the ditch through lands which receive no benefit therefrom but not through lands which are benefited thereby, and shall apportion such cost amongst the lands and roads benefited in the proportions fixed by the assessment mentioned in section 4 hereof as finally confirmed.

Notice of  
apportionment

**19.** The commissioner shall thereupon give notice by registered letter to the owner of any parcel of land against which any portion of such cost of construction is apportioned whose address is known of the amount of such cost apportioned against such land and any costs which such owner may be liable to pay under the provisions of section 13 hereof shall be added thereto and shall be deemed to be a part of the sum apportioned against such land.

Amount  
payable to be  
a lien on the  
land

**20.** All sums apportioned against any lands under the preceding sections shall be a special lien against such lands in favor of His Majesty having priority over any claim, lien, privilege or incumbrance thereon except taxes.

(2) In the event of any portion of the costs being apportioned against any parcel of land which has not been granted by the Crown the amount of such portion of costs shall become a lien as in this section provided immediately upon the grant of such lands from the Crown.



## RECOVERY OF AMOUNT OF ASSESSMENTS.

**21.** Any sum apportioned against any parcel of land shall be a debt due to His Majesty and may be recovered by suit against the owner of such parcel of land in the name of the attorney general and in any such suit a certificate purporting to be signed by the commissioner shall be *prima facie* evidence of the debt. A debt due to His Majesty

**22.** Any sum apportioned against any parcel of land shall be payable to the commissioner in ten equal annual instalments on the first day of December in each year together with interest at five per cent. per annum on the unpaid amount payable on the same date such interest to be computed from the first day of December of the year in which the ditch is completed on which day the first of the said ten annual instalments shall be paid. Payable in instalments

**23.** Any person liable to pay any sum as in the next preceding section provided may commute the unpaid instalments by a cash payment of the total amount of such instalments or with the consent of the commissioner may pay the same in a less number of annual instalments than as provided in the said section. Commutation of instalments

## MAINTENANCE AND REPAIRS.

**24.** The commissioner shall make provision for all work necessary for the maintenance of and repairs to any government ditch and the cost thereof shall be apportioned in the same manner as the costs of the construction of such ditch and shall be due and payable on the first day of December of the year in which the work is done. Maintenance of ditch

**25.** In case the owner of any parcel of land neglects to pay any sum for which he is liable for one month after such sum becomes due the commissioner may cause the same to be levied with costs by distress of the goods and chattels of or in the possession of such owner or of any goods and chattels found on the said parcel of land in the possession of any occupant thereof. Distress for amount assessed

**26.** In the event of any sum payable by the owner of any parcel of land remaining unpaid for two years, the commissioner may cause notice to be sent by registered letter to all persons shown by the records of the proper Land Titles Office to have any interest in the said parcel of land to the address shown by such records, if any, that after the expiration of three months from the mailing of such notice application will be made to a judge of the Supreme Court for an order vesting the title of the said parcel of land in His Majesty. Forfeiture for non payment

(2) At any time after the expiration of the said three months if the sum or sums due have not in the meantime been

paid the attorney general may apply to the judge on not less than ten days' notice to the parties and in the manner mentioned in the next preceding subsection for a vesting order and the judge may thereupon direct that the said parcel of land be absolutely vested in His Majesty freed from all liens, mortgages and incumbrances of whatsoever kind.

(3) Upon any application under the next preceding subsection any certificate purporting to be signed by the commissioner shall be *prima facie* evidence of the facts stated therein.

(4) In the event of the sum or sums due being paid before the judge has made the vesting order as provided in subsection (2) hereof the said owner shall pay to the commissioner such costs as the judge may direct and such costs shall be deemed to be a part of the sum last due and may be recovered in any manner provided for recovering any other sum payable by such owner.

#### REMOVAL OF OBSTRUCTIONS.

Removal of  
obstructions

**27.** When any government ditch, heretofore or hereafter constructed, becomes obstructed by dams, bridges, fences, washouts and other obstructions caused by the owner or the person in possession of the lands where such obstruction occurs so that the free flow of water is impeded thereby the person or persons owning or occupying such land shall, upon reasonable notice in writing given by the commissioner, remove such obstructions in any manner caused as aforesaid, and if not so removed within the time specified in the notice the commissioner shall forthwith cause the same to be removed.

Cost of  
removal

**28.** If the cost of removing such obstruction is not paid by such owner or occupant to the commissioner forthwith the same may be recovered by suit in the name of the Attorney General against such occupant or owner or may be recovered in any manner provided by this Ordinance for the recovery of any other sum payable to the commissioner.

#### CONSTRUCTION OF PRIVATE DITCH.

Ditch of  
private  
owner

**29.** Any municipality local improvement district or village or any owner who desires to construct a ditch or drain shall, if such ditch or drain affects other lands than lands owned by such municipality, local improvement district, village or owner, employ an engineer to make the necessary surveys and prepare the plans, estimates of cost and other information required in connection with such ditch or drain. 1901, c. 4, ss. 38, 40.

Application to  
commissioner

**30.** Upon completion of the survey of any ditch or drain an application shall be forwarded to the commissioner in form prescribed by the commissioner for authority to construct such



ditch or drain; with a plan prepared by the engineer showing the location of the proposed ditch, the names of the owners of lands crossed by such ditch and the outlet for the ditch together with any further information necessary to a clear understanding of the location and character of the proposed undertaking; and such plan shall be accompanied by a detailed report by the engineer regarding the manner in which lands crossed by the ditch will be affected thereby, the probable cost of completing the construction of the ditch and any further information required by the commissioner. 1901, c. 4, s. 42.

**31.** The application, plan, report and estimates required by the next preceding section shall be filed in the department and if approved by the commissioner a permit shall be issued to the applicant authorising him to proceed with the construction of the proposed ditch or drain and granting a definite period for the completion of such construction. 1901, c. 4, s. 43. Permit for construction

**32.** The holder of a permit for the construction of a ditch or drain may proceed with such construction across any lands in whomsoever vested doing no unnecessary damage thereto or thereon but shall first pay for the right of way required for such ditch or drain. 1901, c. 4, s. 44. Right of holder of permit

**33.** If the holder of such permit is unable to agree with the owner of any land crossed by such ditch or drain as to the compensation to be paid for the right of way required therefor they shall proceed to arbitrate the question of such compensation under the provisions of *The Arbitration Ordinance*. 1901, c. 4, s. 45. Arbitration to fix compensation

**34.** This Ordinance shall apply to government ditches the examination for which has been made but the construction of which has not been completed prior to the passing of this Ordinance. Ordinance to apply to ditches begun

#### REPEAL.

**35.** Sections 31 to 46 both inclusive of *The Public Works Ordinance* being Chapter 4 of the Ordinances of 1901 are hereby repealed. Repeal

1903

## CHAPTER 7

### An Ordinance respecting Hail Insurance.

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

#### SHORT TITLE.

Short title

1. This Ordinance may be cited as "*The Hail Insurance Ordinance.*" 1901, c. 9, s. 1.

#### INTERPRETATION.

Interpretation

2. In this Ordinance unless the context otherwise requires—

"Crop"

1. The expression "crop" or "growing crop" means all the wheat or all the oats or all the barley or all the flax or all the speltz or all or any of them specially referred to and growing on the area defined in the application for insurance;

"Minister"

2. The expression "minister" means the member of the Executive Council for the time being administering this Ordinance. 1901, c. 9, s. 2.

Ordinance to be administered by Territorial Treasurer

3. Unless and until the Lieutenant Governor in Council otherwise orders this Ordinance shall be administered by the Territorial Treasurer. 1901, c. 9, s. 3.

Minister authorised to make contract of insurance

4. Subject to the provisions of this Ordinance and on behalf of the Government of the Territories the minister may and he is hereby empowered to enter into a contract to indemnify against actual loss or injury to growing crops by hail to an amount of \$4 for each and every acre insured.

(2) No contract shall be valid or binding where the application made under section 5 of this Ordinance is not made before the crops insured shall have been injuriously affected by hail. 1901, c. 9, s. 4.

Application and receipt to form contract

5. Every application for insurance shall be in form A in the schedule hereto; and each such application with the receipt of the minister therefor shall for all the purposes of this Ordinance be deemed the contract of insurance.

(2) The provisions of this Ordinance shall be deemed to be and shall form a part of every contract of insurance. 1901, c. 9, s. 5.



**6.** Each application shall contain the name of the post office to which all notices under this Ordinance shall be mailed. Post office address to be given  
1901, c. 9, s. 6.

**7.** With every application for insurance the applicant shall in addition to an application fee of fifty cents pay to the minister the sum of fifteen cents for every acre to be covered by insurance:

Provided that where the applicant for insurance has only a partial interest in the crop to be insured the rate to be paid per acre shall be that proportion of fifteen cents that the interest of such applicant is in the crop and the insurance to be effected shall be only an insurance of such interest. Fee to be paid on application

(2) No application for insurance shall be accepted from any person who has not fully paid up all amounts due by him under this Ordinance. 1901, c. 9, s. 7.

**8.** The minister is hereby authorised to make such arrangements for the collection and transmission of application forms and fees as may seem to be advisable and necessary: Transmission of application forms and fees

Provided that the cost of such collection and transmission shall in no case exceed the amount of the application fee provided for in the next preceding section.

#### APPRAISEMENT OF LOSS OR DAMAGE BY HAIL.

**9.** Whenever any crop insured under this Ordinance is injured by hail the person whose interest in such crop is insured shall forthwith notify the minister by registered letter and shall also notify such person as may have been designated by the minister for that purpose. Notice of loss to be given

(2) Such notification shall be deemed to be sufficient if made by the insured person or by any one else on his behalf. 1901, c. 9, s. 8.

**10.** The minister may cause an examination to be made from time to time of any area reported to have been affected by hail. Examination of area affected 1901, c. 9, s. 9.

**11.** The minister shall appraise the actual loss or damage done by hail to any crop insured under this Ordinance. Appraisement of loss

(2) In case of loss or injury by hail where it is found that through error or mistake the number of acres of crop insured on any river lot or quarter section forms only a part of the total acreage under crop on the river lot or quarter section in which the person insured has any interest, the minister may pay that percentage of the amount of the indemnity payable on account of such loss or injury that the area insured is of the said total area under crop.

(3) For the purpose of adjustment under this Ordinance no account shall be taken of the value of the crop and in the event of partial loss the amount of compensation to be paid

shall bear the same proportion to the total amount of insurance that the loss bears to the total amount of crop. 1901, c. 9, s. 10.

Submission  
to arbitration

**12.** If any person is not satisfied with the appraisement of the minister he may have the question of the amount of the loss or damage actually done to his crop by hail submitted to the arbitration of two persons one to be appointed by himself and one by the minister by notifying the minister of his dissatisfaction with such appraisement; and such notification shall be a submission under *The Arbitration Ordinance* and the provisions of the last mentioned Ordinance shall apply thereto. 1901, c. 9, s. 11.

Costs of  
arbitration

**13.** The costs of any award of arbitrators made under this Ordinance shall be paid out of the general revenue fund; but should the said award sustain the appraisement made by the minister of the loss or damage done the amount of the indemnity to be paid under the said appraisement shall be reduced by the sum of ten dollars.

(2) In cases where an arbitration is asked for upon an appraisement of no loss or damage having been done the notification required by the next preceding section shall be accompanied by the sum of ten dollars which sum shall be returned if the minister's appraisement is not sustained by the arbitrators.

#### PAYMENT OF EXPENSES AND LOSSES.

Statement  
of minister

**14.** On the fifteenth day of October or as soon thereafter as may be practicable the minister shall submit a statement to the Lieutenant Governor in Council setting forth:

- (a) The expenditure made in the administration of this Ordinance;
- (b) An estimate of the probable amount of liabilities and expenses to be incurred to complete the work of the year;
- (c) The amounts of the several claims as adjusted or otherwise settled;
- (d) The number of persons insured;
- (e) The number of acres covered by insurance;
- (f) The amount paid by applicants for insurance;

together with such further statement as may seem necessary to be made. 1901, c. 9, s. 12.

Deficiency to  
be paid out of  
general  
revenue

**15.** Where no legislative provision has been made for so doing or where any provision made proves insufficient for the purpose all liabilities incurred under the authority of this Ordinance may be paid out of the general revenue fund by warrant of the Lieutenant Governor directed to the Territorial Treasurer. 1901, c. 9, s. 13.



**16.** After the coming into force of this Ordinance no company, association or society shall carry on the business of insurance against loss or injury to growing crops by hail. 1901, c. 9, s. 19. No company to carry on business of hail insurance

**17.** Chapter 9 of the Ordinances of 1901 intituled *An Ordinance respecting Hail Insurance* is hereby repealed. Repeal

SCHEDULE.

FORM A.

NO.

GOVERNMENT OF THE NORTH-WEST TERRITORIES.

TREASURY DEPARTMENT.

Application for Insurance against Loss or Injury by Hail under  
*The Hail Insurance Ordinance.*

Name of applicant.....  
Post office address.....District of.....

DESCRIPTION OF AREA UPON WHICH CROP IS TO BE INSURED.

Section.....Township..... Range.... West.... Meridian	Whe't	Oats	Barl'y	Flax	Speltz	Total
	No. of Acres	No. of Acres	No. of Acres	No. of Acres	No. of Acres	
North-east $\frac{1}{4}$ of Section..	.....	.....	.....	.....	.....	.....
North-west " " ..	.....	.....	.....	.....	.....	.....
South-east " " ..	.....	.....	.....	.....	.....	.....
South-west " " ..	.....	.....	.....	.....	.....	.....
River lots..... } in.....settlement. }	.....	.....	.....	.....	.....	.....
Total.....	.....	.....	.....	.....	.....	.....

Tenure of holding (*whether as owner, or under homestead entry, contract to purchase, lease or otherwise*) .....  
Interest of applicant in crops to be insured.....  
To whom indemnity is payable should loss occur.....  
.....

In accordance with the provisions of *The Hail Insurance Ordinance* 1903 in that behalf I hereby make application for insurance against loss or injury caused by hail, and enclose herewith the sum of.....dollars and... cents being at the rate of.....cents for each acre described above. I agree to all of the conditions prescribed by the said Ordinance; and I further agree that should any statement made or to be made by me in connection with this my appli-

cation for insurance and any contract which may thereupon be entered into prove to be a misstatement such misstatement shall nullify such contract and I shall forfeit all claims under the said Ordinance.

I declare that no portion of the area described above has been injuriously affected this season by hail prior to the date of this application.

I further declare that the crop of wheat, oats, barley, flax and speltz or any of them set out and described in this application is all the crop of each of them respectively growing upon each quarter section or river lot mentioned in the application and in which I have any interest whatsoever.

Dated.....190 .

In the presence of..... *Applicant.*

.....  
of.....

*Post Office.*

1901, c. 9, Form A.



1903

## CHAPTER 8

An Ordinance to amend Chapter 21 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting the administration of Civil Justice."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Order XXVI of the Rules of Court of *The Judicature Ordinance* as amended by section 2 of chapter 5 of the Ordinances of 1902 is hereby further amended by adding after rule 287a the following rule:

"287b. The Lieutenant Governor in Council may appoint one or more official shorthand writers for the purpose of taking and reporting the evidence at trials and may fix their remuneration." New rule 287b  
Shorthand  
reporters

(2) Every such reporter shall be an officer of the court and shall hold office during the pleasure of the Lieutenant Governor in Council and shall perform such other duties as may be assigned to him by order of the Lieutenant Governor in Council.

(3) Every such reporter shall take the following oath before a judge of the Court, and the same shall be filed by the clerk:

"I do solemnly and sincerely promise and swear that I will faithfully take and report the evidence and proceedings at the trial in each case in which it may be my duty to act as shorthand reporter. So help me God."

(4) Any copy of the evidence or any portion thereof certified by the reporter taking the same or by the clerk of the Court with whom the same has been filed shall for all purposes have the same effect as the original evidence.

2. Rule 397 of the said Rules of Court is hereby amended by adding thereto the following subrule: Rule 397  
amended

"(2) If the said amount of \$25 or any portion thereof is paid into Court it shall not be necessary for the debtor to claim the same but he shall be entitled to have it paid out to him at any time on application to the clerk but in the event of no such application being made until the expiration of two months after such payment in or after judgment is recovered against the debtor whichever is later the judgment creditor shall be entitled on application to the judge to have the said

sum or so much thereof as may be sufficient to satisfy his judgment paid out to him."

New rule 432

3. Rule 432 of the said Rules of Court is hereby repealed and the following substituted therefor:

Sheriff's  
interpleader  
claim to be  
in writing  
Notice to and  
by execution  
creditor

"432. Where a claim is made to or in respect of any goods or chattels taken in execution under the process of the Court it shall be in writing and upon the receipt of the claim the sheriff or his officer shall forthwith give notice in writing thereof to the execution creditor and the execution creditor shall within four days after receiving the notice give notice in writing to the sheriff or his officer that he admits or disputes the claim. If the execution creditor admits the title of the claimant and gives such notice he shall only be liable to such sheriff or officer for any fees and expenses incurred prior to the receipt of the notice admitting the claim."

Rule 469  
amended

4. Rule 469 of the said Rules of Court is hereby amended by adding thereto the following subrule:

"(2) The application for an originating summons shall be supported by an affidavit of the plaintiff or some other person conversant with the facts verifying the facts on which the plaintiff's claim is based."

Rule 510  
amended

5. Rule 510 of the said Rules of Court is hereby amended by striking out all of the said rule after the words "think fit" where they occur therein.

Rule 536  
amended

6. Rule 536 of the said Rules of Court is hereby amended by striking out all of the said rule after the word "otherwise" where it last occurs therein.

Rule 558  
amended

7. Paragraph 1 of rule 558 of the said Rules of Court is hereby amended by inserting after the word "estate" where it first occurs therein the words "except in the case of the appointment of the public administrator and official guardian."

Rule 570  
amended

8. Rule 570 of the said Rules of Court is hereby amended by inserting after the word "Court" where it first occurs therein the words "except in the case of the appointment of the public administrator and official guardian."

Rule 597  
amended

9. Rule 597 of the said Rules of Court is hereby amended by striking out all the said rule including the subrule (2) after the word "accounts" where it lastly occurs therein and substituting therefor the following:

"(2) Upon the passing of the accounts the judge may give such directions as to the remuneration of the administrator, the payment of debts or charges, and the distribution of the assets as to him may seem meet, and may direct the payment into Court of any moneys to which any person under the age of twenty-one years or any person outside of the Territories is entitled."



1903

## CHAPTER 9

An Ordinance to amend Chapter 12 of the Ordinances of 1901 intituled "An Ordinance respecting the Confirmation of Sales of Land for Taxes."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Section 2 of *An Ordinance respecting the Confirmation of Sales of Land for Taxes* is hereby amended : Section 2 amended

1. By striking out the word "for" where it occurs therein and substituting therefor the word "of";

2. By adding thereto the following subsection :

"(2) Upon the return of any summons granted under the provisions of section 1 if it is made to appear to the judge that any person who is entitled and desires to redeem the said land has been unable to do so because of his inability to ascertain the proper amount to be paid to redeem the said land the judge may adjourn the hearing of the said application and may order an account to be taken or may give such other directions as to him shall seem meet."

1903

## CHAPTER 10

An Ordinance to amend Chapter 25 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting Notaries Public."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 1  
amended

1. Section 1 of *An Ordinance respecting Notaries Public* is hereby amended by inserting after the word "be" where it lastly occurs therein the words "British subjects."

Section 3  
amended

2. Section 3 of the said Ordinance is hereby amended by adding thereto the following words "or such less sum as may be fixed by the Lieutenant Governor in Council."

New sections

3. The said Ordinance is hereby amended by adding thereto the following sections :

Duration of  
commission

"4. Every commission issued under section 1 of this Ordinance unless issued to an advocate of the North-West Territories and unless it is sooner revoked shall if the same has been issued before the passing of this Ordinance expire on the 31st day of December 1905 and shall if the same is issued after the passing of this Ordinance expire at the expiration of two years from the 31st day of December of the year in which it is issued.

Date of expiration of  
commission to  
be noted on  
certificate

"5. Any notary public whose commission expires under the terms of the next preceding section shall write or stamp on every affidavit, declaration or other certificate taken or given by him the date on which such commission expires.

"(2) Any notary public failing to comply with the provisions of this section shall be liable on summary conviction to a fine not exceeding \$10 and costs."

1903

## CHAPTER 11

An Ordinance further to amend Chapter 46 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting Marriages."

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Section 11 of *The Marriage Ordinance* is hereby amended Section 11 amended. by adding thereto the following subsection.

"(1) Any female over the age of eighteen years who is living Consent dispensed with. apart from her parents or guardians and earning her own livelihood may be excused from obtaining the consent of such parent or guardian and a statement of the facts constituting such excuse shall be set forth in the affidavit required by section 9 hereof."

2. Form B in the schedule to the said Ordinance is hereby Form B amended. amended by striking out the words "widower" and "widow" where they occur therein and substituting therefor the words "as the case may be."

3. The said Ordinance and the forms in the schedule Territorial Secretary substituted for Attorney General thereto are hereby amended by striking out the words "Attorney General" where they occur therein and substituting therefor the words "Territorial Secretary."

4. All marriage licences heretofore signed by the Attorney Licences signed by Attorney General to remain valid. General shall be and remain valid notwithstanding that the same may not be issued until after the coming into force of this Ordinance.



1903

## CHAPTER 12

An Ordinance to amend Chapter 52 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting the Medical Profession."

[Assented to June 19, 1903].

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 14  
amended

1. Section 14 of *The Medical Profession Ordinance* is hereby amended by striking out the word "council" where it occurs therein, and substituting therefor the word "college."

Section 15  
amended

2. Section 15 of the said Ordinance is hereby amended by striking out all the words after the word "taken" where it occurs therein and substituting therefor the words "but of such five names only those shall be counted that are the names of persons who are eligible for election under section 14 of this Ordinance."

Section 34  
amended

3. Section 34 of the said Ordinance is hereby amended by striking out the words "not being less than one dollar nor more than" where they occur therein and substituting therefor the words "not exceeding."

Dominion  
registration to  
be accepted  
for Territorial  
registration

4. Whenever there is established under the Act of the Parliament of Canada known as *The Canada Medical Act 1902* or any act in amendment thereof a Register for Canada of Medical Practitioners under the control of the Medical Council appointed or elected pursuant to the provisions of the aforesaid act or acts then notwithstanding anything in this Ordinance contained any person duly registered in the said Medical Register for Canada as a medical and surgical practitioner shall be deemed qualified and entitled to be registered in the Medical Register of the North-West Territories as a duly qualified medical and surgical practitioner and such person and no other shall be registered and such registration shall be made upon production of a certificate under the hand of the Registrar of the said Medical Council for Canada certifying that such person is duly registered in the said Medical Register for Canada, and upon satisfactory proof of the identity of such person; provided that such person may be

required to pay such fee for such registration in the Territories as the Medical Council for the Territories may impose in that behalf and provided that the provisions of this section shall not apply to or affect any person duly registered under the said Ordinance at the time *The Canada Medical Act 1902* becomes operative.

1903

## CHAPTER 13

### An Ordinance respecting the voluntary winding up of Joint Stock Companies.

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

#### SHORT TITLE.

Short title      1. This Ordinance may be cited as "*The Companies Winding Up Ordinance, 1903.*"

#### INTERPRETATION.

Interpretation      2. Where the expressions following occur in this Ordinance they shall unless a contrary intention appears be construed as follows:

"Company"      1. "Company" shall mean any company or association to which this Ordinance is applicable:

"Court"  
Power of  
judge      2. "Court" shall mean the Supreme Court of the North-West Territories, and any judge of the Court may at any time whether sitting in chambers or in court exercise all the powers conferred by this Ordinance upon the Court:

"Contributory"      3. "Contributory" shall mean any person liable to contribute to the assets of a company under this Ordinance in the event of the same being wound up, and in all proceedings prior to the final determination of such persons any person alleged to be a contributory, and shall also include the personal representative or representatives of any such person:

"Extraordinary resolution"      4. "Extraordinary resolution" shall mean a resolution passed by a majority of not less than three-fourths of such members of the company for the time being entitled to vote as may be present in person, or by proxy in cases where by the Ordinance or charter or instrument of incorporation or the regulations of the company proxies are allowed, at any general meeting of which notice specifying the intention to propose such resolution has been duly given:

"Special resolution"      5. "Special resolution" shall mean a resolution passed in the manner necessary for an extraordinary resolution where the resolution after having been so passed as aforesaid has been confirmed by a majority of such members entitled according to the Ordinance, charter or instrument of incorporation or the



regulations of the company to vote as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given and held at an interval of not less than fourteen days nor more than one month from the date of the meeting at which the resolution was first passed:

6. "Members" shall mean those persons only who for the time being are entitled to vote at general meetings of the company. "Members"

#### APPLICATION OF ORDINANCE.

3. This Ordinance shall apply to all incorporated companies or associations incorporated by the Legislature of the Territories or under the authority of any Ordinance of the Territories. Application of Ordinance

#### WHEN COMPANIES MAY BE WOUND UP.

4. A company may be wound up under this Ordinance—

1. Where the period, if any, fixed for the duration of the company by the Ordinance, charter or instrument of incorporation has expired; or where the event, if any, has occurred upon the occurrence of which it is provided by the Ordinance or charter or instrument of incorporation that the company is to be dissolved and the company in general meeting has passed a resolution requiring the company to be wound up: When companies may be wound up voluntarily

2. Where the company has passed a special resolution requiring the company to be wound up: On special resolution

3. Where the company though it may be solvent as respects creditors has passed an extraordinary resolution to the effect that it has been proved to the satisfaction of the members thereof that the company cannot by reason of its liabilities continue its business and that it is advisable to wind up the same. On extraordinary resolution

5. Where no such resolution has been passed as mentioned in the next preceding section, the Court may, on the application of a contributory, make an order for winding up in case the Court is of opinion that it is just and equitable that the company should be wound up. When by order of the Court

6. A winding up shall be deemed to commence at the time of the passing of the resolution authorising the winding up or the making of the order directing the winding up as the case may be. Commencement of winding up.

#### CONSEQUENCES OF COMMENCING TO WIND UP.

7. The following consequences shall ensue upon the commencement of the winding up of a company under the authority of this Ordinance: Consequences of commencing to wind up.

1. The company shall, from the date of the commencement of the winding up, cease to carry on its business, except in so

- Extent to which company to exist after commencement of winding up     far as may be required for the beneficial winding up thereof: and any transfers of shares, except transfers made to or with the sanction of the liquidators, or any alteration in the status of the members of the company, after the commencement of the winding up, shall be void, but the corporate existence and all the corporate powers of the company shall, notwithstanding it may be otherwise provided by the Ordinance, charter or instrument of incorporation, continue until the affairs of the company are wound up:
- Property of company     2. Subject to the provisions of section 10 hereof the property of the company shall be applied in satisfaction of its liabilities *pari passu*; and subject thereto and to the charges incurred in winding up its affairs shall, unless it is otherwise provided by the Ordinance, charter or instrument of incorporation, be distributed amongst the members according to their rights and interests in the company:
- Appointment of liquidators     3. The company in general meeting, or in default thereof the Court, shall appoint such persons or person as the company or Court thinks fit to be liquidators or a liquidator for the purpose of winding up the affairs of the company and distributing the property and may fix the remuneration to be paid to them or to him, and they or he shall give such security as the contributories or the Court may determine:
- Remuneration     4. If one person only is appointed liquidator all the provisions herein contained in reference to several liquidators shall apply to him:
- Security     5. Upon the appointment of liquidators all the powers of the directors shall cease except in so far as the company in general meeting, or the liquidators, may sanction the continuance of such powers:
- One liquidator     6. Where several liquidators are appointed every power hereby given may be exercised by such one or more of them as may be determined at the time of the appointment, or at a subsequent meeting of the company, or in default of such determination, by any number of the liquidators not less than two:
- Powers of several liquidators     7. The members of the company may at any meeting appoint one or more inspectors to superintend and direct the proceedings of the liquidators in the management and winding up of the estate: and in case of an inspector or inspectors being appointed all the powers of the liquidator shall be exercised subject to the advice and direction of such inspector or inspectors: and the members of the company may also at any subsequent meeting held for that purpose revoke any such appointment: and upon such revocation or in case of death, resignation or absence from the Territories of an inspector may appoint another in his stead: and such inspector may be paid such remuneration as the members of the company may determine:
- Appointment of inspectors     8. If one person only is appointed inspector or if by reason of death, resignation, absence from the Territories or otherwise
- Revocations     36
- Remuneration
- One inspector

there is only one inspector all the provisions herein contained in reference to inspectors shall apply to such sole inspector ;

9. The members of the company may at any meeting pass any resolution or order directing the liquidators how to dispose of the property, real or personal, of the company ; and in default of their doing so the liquidators shall be subject to the directions, orders and instructions which they from time to time receive from the inspectors, if any, with regard to the mode, terms and conditions on which they may dispose of the whole or any part of the property of the company.

Directions as to disposal of property of the company by liquidation

#### GENERAL POWERS OF LIQUIDATORS.

8. The liquidators may be described in all proceedings by the style of "A. B., and C. D., the liquidators of (*the particular company in respect of which they are appointed*)," and shall have power to do the following things:

Description and general power of liquidator

1. To bring or defend any action, or other legal proceeding in the name and on behalf of the company ;

Bring actions

2. To carry on the business of the company so far as may be necessary for the beneficial winding up of the same ;

Carry on business

3. To sell the real and personal property of the company by public auction or private contract, according to the ordinary mode in which such sales are made, with power to transfer the whole property to any person or company, or to sell the same in parcels, and on such terms as shall seem most advantageous; but no sale of the assets *en bloc* shall be made without the previous sanction of the contributories given at a meeting called for that purpose.

Sell property

4. In case, after having acted with due diligence in the collection of the debts, the liquidators find that there remain debts due the attempt to collect which would be more onerous than beneficial to the estate, they shall report the same to the members of the company or inspectors, if any ; and with their sanction the liquidators may sell the same by public auction after such advertisement thereof as the members of the company or the inspectors, if any, may order ; and pending such advertisement the liquidators shall keep a list of the debts to be sold, open to inspection at their office, and shall also give free access to all documents and vouchers explanatory of such debts ; but all debts amounting to more than \$100 shall be sold separately except as herein otherwise provided ;

Sale of debts

5. To draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the company ; and to raise upon the security of the assets of the company, from time to time, any requisite sum or sums of money ; and the drawing, accepting, making or indorsing of such bill of exchange or promissory note on behalf of the company shall have the same effect with respect to the liability of the company as if such bill or note had been drawn, accepted, made or indorsed by or on behalf of the company in the course of carrying on the business thereof ;

Draw, etc., bills and notes



Take out letters of administration to estate of deceased contributories and collect debts

6. To take out, if necessary, in their official name, letters of administration to the estate of any deceased contributory : and to do in their official name any other act which may be necessary for obtaining payment of any money due from a contributory or from his estate, and which act cannot be conveniently done in the name of the company ; and in all cases where the liquidators take out letters of administration, or otherwise use their official name for obtaining payment of any money due from a contributory, such money shall for the purpose of enabling them to take out such letters or recover such money be deemed to be due to the liquidators themselves :

Execute deeds

7. To execute in the name of the company all deeds, transfers, discharges, assignments, receipts and other documents ;

Other things

8. To do and exercise all other acts and things that may be necessary for the winding up of the affairs of the company and the distribution of its assets ; and for such purposes to use when necessary the company's seal.

Company's seal

Time for creditors to send in claims may be fixed

9. The liquidators may fix a certain day on or before which creditors of the company and others having claims thereon are to send in their claims.

(2) Such day shall not be less than two months from the first publication of notice thereof.

Liquidators may distribute assets after expiration of time fixed

(3) Where liquidators have given notice of the said day by publication in an issue of a newspaper published at or nearest to the chief place of business of the company, in each of the first four weeks of said two months, the liquidator shall, at the expiration of the time named for sending in such claims, be at liberty to distribute the assets of the company, or any part thereof, amongst the parties entitled thereto having regard to the claims of which the liquidators have then notice and the liquidators shall not be liable for the assets, or any part thereof, so distributed to any person of whose claim such liquidators had not notice at the time of distributing the said assets, or part thereof, as the case may be ; but nothing in this Ordinance contained shall prejudice the right of any creditor or claimant to follow assets into the hands of the person who may have received the same.

Priority of wages or salary

10. In distributing the assets of a company under the provisions of this Ordinance the liquidator shall pay in priority to the claims of the ordinary or general creditors of the company the wages or salary of all persons other than directors in the employment of the company at the time of the making of the winding up resolution or order, or within one month before the making thereof not exceeding three months' wages or salary, and such persons shall be entitled to rank as ordinary or general creditors of the company for the residue, if any, of their claims.

Arrangements may be authorised with creditors

11. The liquidators may, with the sanction of an extraordinary resolution of the company, or of the Court, make such compromise or other agreement as they deem expedient.

with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable.

**12.** The liquidators may, with the sanction of an extra-ordinary resolution of the company, or of the Court, compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company, or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms as may be agreed upon; with power for the liquidators to take any security for the discharge of such debts or liabilities, and to give a complete discharge in respect of all or any such calls, debts or liabilities.

**13.** Where a company is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another company, the liquidators of the first mentioned company with the sanction of a special resolution of the company by whom they were appointed conferring either a general authority on the liquidators, or an authority in respect of any particular arrangement, may receive in compensation or in part compensation for such transfer or sale shares or other like interest in such other company, for the purpose of distribution amongst the members of the company, which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing company.

(2) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the members of the company which is being wound up, subject to the proviso that if any member of the company which is being wound up, who has not voted in favour of such special resolution passed by the company of which he is a member, at either of the meetings held for passing the same, expresses his dissent from any such special resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say, either

- (a) To abstain from carrying such resolution into effect, or
- (b) To purchase the interest held by such dissentient member at a price to be determined in manner

hereinafter mentioned, such purchase money to be paid before the company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution.

Special resolution not invalid because prior to resolution to wind up

(3) No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the company or for appointing liquidators.

Price payable to objecting member

(4) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement but if the parties dispute about the same such dispute shall be settled by arbitration.

Mode of determining price

(5) For the purposes of the arbitration the liquidators shall appoint one arbitrator and the dissentient member shall appoint another and the two arbitrators thus chosen or in case they disagree the Court shall appoint a third arbitrator.

Arbitration

Majority to determine disputes

(6) The arbitrators thus chosen, or any two of them, or the arbitrator of one party and an arbitrator appointed by the Court in case of the refusal or neglect of either party to appoint an arbitrator shall finally determine the matter in dispute.

Umpire

(7) In case of the disagreement of two arbitrators, where two only are acting, they may appoint an umpire whose award shall be conclusive.

#### LIABILITY OF CONTRIBUTORIES.

Liquidators to settle list of contributories

**14.** As soon as may be after the commencement of the winding up of a company the liquidators shall settle a list of contributories.

Shareholders' liability to contribute

(2) Every shareholder or member of the company or his representative is liable to contribute the amount unpaid on his shares of the capital, or on his liability to the company or to its members or creditors, as the case may be, under the Ordinance, charter or instrument of incorporation of the company; and the amount which he is liable to contribute shall be deemed assets of the company and to be a debt due to the company payable as may be directed or appointed under this Ordinance.

Case of transfer of shares by shareholders

(3) Where a shareholder has transferred his shares under circumstances which do not by law free him from liability in respect thereof, or where he is by law liable to the company or its contributories or any of them to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Ordinance and shall be liable to contribute as aforesaid to the extent of his liabilities to the company or the contributories independently of this Ordinance and the amount which he is so liable to contribute shall be deemed assets and a debt as aforesaid.

Contributories liable in a representative character to be distinguished

(4) The list of contributories shall distinguish between persons who are contributories as being representatives of or liable for others.



(5) Any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories. List to be evidence of liability

**15.** The list of contributories may be settled by the Court in which case the liquidators shall make out and leave at the chambers of the judge a list of the contributories of the company; and such list shall be verified by the affidavit of the liquidators or one of them and shall, so far as is practicable, state the respective addresses of, and the number of shares or extent of interest to be attributed to each such contributory, and distinguish the several classes of contributories; and the list may from time to time by leave of the judge be varied or added to by the liquidators. Settlement of list by the Court

(2) Upon the list of contributories being left at the chambers of the judge, the liquidators shall obtain an appointment for the judge to settle the same, and shall give notice in writing of the appointment to every person included in the list, and stating in what character and for what number of shares, or interest, such person is included in the list; and in case any variation in or addition to the list is at any time made by the liquidators, a similar notice in writing shall be given to every person to whom the variation or addition applies; all such notices shall be served four clear days before the day appointed to settle such list, or such variation or addition. Procedure on settling list by the Court

(3) The result of the settlement of the list of contributories shall be stated in a certificate by the clerk or registrar of the Court; and certificates may be made from time to time for the purpose of stating the result of the settlement down to any particular time, or to any particular person, or stating any variation of the list. Certificate of result of settlement

**16.** If a person made a contributory as personal representative of a deceased contributory makes default in paying any sum to be paid by him proceedings may be taken for administering the estate of the deceased contributory and for compelling payment thereof of the money due. Provision for administration if personal representative fails to pay

**17.** The liquidators may, at any time and before they have ascertained the sufficiency of the assets of the company, call on all or any of the contributories, for the time being settled on the list of contributories, to pay, to the extent of their liability, all or any sums the liquidators deem necessary to satisfy the debts and liabilities of the company and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the call is made may partly or wholly fail to pay their respective portions of the same. Calls on contributories

## LIQUIDATORS' DUTIES.

Employment  
of counsel

**18.** Liquidators shall not employ any advocate without the consent of the inspectors, or of the members of the company.

Liquidators  
or inspectors  
not to purchase  
assets of  
company

(2) No liquidator or inspector shall purchase, directly or indirectly, any part of the stock in trade, debts or assets of any description of the estate.

Deposit in  
bank by  
liquidators

(3) The liquidators shall deposit at interest in some chartered bank, to be indicated by the inspectors or by the Court, all sums of money which they may have in their hands belonging to the company whenever such sums amount to \$100.

Separate  
deposit  
account to be  
kept

(4) Such deposits shall not be made in the name of the liquidators generally, on pain of dismissal; but a separate deposit account shall be kept for the company of the moneys belonging to the company, in the name of the liquidators as such, and of the inspectors, if any; and such moneys shall be withdrawn only on the joint cheque of the liquidators and one of the inspectors, if there be any.

Withdrawal  
from account

Liquidators  
to produce  
bank pass book  
at meetings,  
etc.

(5) At every meeting of the members of the company the liquidators shall produce a bank pass book showing the amount of deposits made for the company, the dates at which the deposits were made, the amounts withdrawn and dates of such withdrawal; of which production mention shall be made in the minutes of the meeting, and the absence of such mention shall be *prima facie* evidence that the pass book was not produced at the meetings.

Liquidators to  
produce bank  
pass book  
when ordered

(6) The liquidators shall also produce the pass book whenever so ordered by the Court at the request of the inspectors or a member of the company, and on their refusal to do so they shall be treated as being in contempt of Court.

Liquidator and  
inspector to be  
subject to  
summary  
jurisdiction

(7) Every liquidator or inspector shall be subject to the summary jurisdiction of the Court in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property upon, in, or to any effects or property in the hands, possession or custody of a liquidator, may be obtained by an order of the Court on summary application, and not by any action, attachment, seizure or other proceeding of any kind whatever; and obedience by a liquidator to such order may be enforced by the Court under the penalty of imprisonment as for contempt of Court or disobedience thereto; or he may be removed in the discretion of the Court.

Obedience  
how enforced

## EXPENSES.

Costs and  
expenses

**19.** All costs, charges and expenses properly incurred in the winding up of a company, including the remuneration of the liquidators, shall be payable out of the assets of the company in priority to all other claims.

**20.** In case of there being no agreement or provision fixing the remuneration of the liquidators they shall be entitled to a commission on the net proceeds of the estate of the company of every kind after deducting expenses and disbursements, such commission to be five per cent. on any amount realised not exceeding \$1,000, the further sum of two and a half per cent. on any amount realised in excess of \$1,000 and not exceeding \$5,000, and a further sum of one and a quarter per cent. on any amount realised in excess of \$5,000; which said commission shall be in lieu of all fees and charges for their services.

Remuneration of liquidators in case no other fixed

#### MEETINGS.

**21.** If a vacancy in the office of liquidators appointed by the company occurs by death, resignation or otherwise, a general meeting for the purpose of filling up the vacancy may be convened by the liquidator or liquidators, if any, or if not, then by any member of the company.

Filling vacancies in office of liquidator

(2) The liquidators may from time to time, during the continuance of the winding up, summon general meetings of the company for the purpose of obtaining the sanction of the company by special resolution or extraordinary resolution, or for any other purpose they think fit.

General meetings during winding up

(3) In the event of the winding up continuing for more than one year the liquidators shall summon a general meeting of the company at the end of the first year and of each succeeding year from the commencement of the winding up, or as soon thereafter as may be convenient; and shall lay before the meeting an account showing their acts and dealings and the manner in which the winding up has been conducted during the preceding year.

Annual meetings

(4) The liquidators shall also call meetings of the members of the company whenever required in writing so to do, by the inspector or five members of the company or by the Court, and they shall state succinctly in the notice calling any meeting the purpose thereof.

Liquidators to call meetings of members of company

(5) The members of the company may, from time to time at any meeting, determine where subsequent meetings shall be held and in the absence of such a resolution all meetings of the members of the company shall be held at the office of the liquidators or of the company, unless otherwise ordered by the Court.

Subsequent meetings  
Where meetings to be held

(6) Notice of any meeting shall for the purposes of this Ordinance be deemed to be duly given, and the meeting to be duly held, whenever the notice is given and meeting held in manner prescribed by the Ordinance, charter or instrument of incorporation or by the regulations of the company, or by the Court; or notice of the meeting may be given by publication thereof for at least two weeks in the official gazette, or by such other or additional notice as the Court, or the inspectors or the company may direct, and, except where the Court

One mode of giving notice of meeting  
Another mode of notice of meeting



otherwise directs, by addressing notices of the meeting to the contributories within the Territories, and to the representatives within the Territories of contributories who reside out of the Territories: and the notices shall be posted at least ten days before the day on which the meeting is to take place, the postage being prepaid by the liquidators.

Voting to be  
in person or  
by proxy

(7) No member of the company shall vote at any meeting unless present personally, or represented by some person having a written authority to be filed with the liquidators to act on his behalf at the meeting, or generally; and when a poll is taken reference shall be had to the number of votes to which each member is entitled by the Ordinance, charter or instrument of incorporation or the regulations of the company.

#### ASSISTANCE OF THE COURT.

Applications  
to the Court

**22.** The liquidators or any member of the company may apply to the Court to determine any question arising in the matter of the winding up; or to exercise all or any of the powers following; and the Court, if satisfied that the determination of the question, or the required exercise of power, will be just and beneficial, may accede wholly or partially to the application on such terms and subject to such conditions as the Court thinks fit; or it may make such other order on the application as the Court thinks just.

Stay of action  
against com-  
pany before  
order to  
wind up

(2) The Court at any time after the issue of a summons for winding up a company and before making an order for winding up a company, may restrain further proceedings in any action or proceeding against the company other than under any other authority over which the Legislative Assembly of the Territories has no jurisdiction in and upon such terms as the Court thinks fit.

Stay of action  
after com-  
mencement of  
winding up

(3) The Court may make an order that no action or other proceedings shall be proceeded with or commenced against the company except with the leave of the Court, and subject to such terms as the Court may impose, and a copy of such order shall forthwith be advertised as the Court may direct; but this subsection shall not apply to proceedings under any Act of the Parliament of Canada under its jurisdiction in matters of bankruptcy and insolvency or otherwise.

Settlement of  
list of contri-  
butories

(4) The Court may settle the list of contributories.

Meetings of  
members of  
company may  
be ordered

Chairman

(5) The Court may direct any meeting of the members of the company to be summoned, held and conducted in such manner as the Court thinks fit for the purpose of ascertaining their wishes and may appoint a person to act as chairman of any such meeting and to report the result of such meeting to the Court.

Order for  
delivery by  
contributories  
and others of  
property, etc

(6) The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker or agent or officer of the company, to pay,

deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the liquidators, any sum or balance, books, papers, estate or effects which happen to be in his hands for the time being and to which the company is *prima facie* entitled.

(7) The Court may make an order on any contributory for the time being settled on the list of contributories directing payment to be made, in manner in the order mentioned, of moneys due from him or from the estate of the person whom he represents, to the company, exclusive of moneys which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Ordinance. Order for payment by contributories

(8) The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into any bank appointed for the purpose in any general order made under this Ordinance, or in default of such bank into a bank named in the order, or into a branch of such bank, to the account of the liquidators instead of to the liquidators, and the order may be enforced in the same manner as if it had directed payment to the liquidators. Power to order payment into a bank to account of official liquidator

(9) An order made by the Court in pursuance of this Ordinance upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the moneys, if any, thereby appearing to be due, or ordered to be paid, are due; and all other pertinent matters stated in the order are to be taken to be truly stated as against all persons and in all proceedings whatsoever. Order on contributory to be conclusive evidence except as to real estate of deceased

(10) The Court may make such order for the inspection by the creditors and contributories of the company of its books and papers as the Court thinks just; and any books and papers in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise. Inspection of books

(11) The Court may, at any time after the commencement of the winding up of the company, summon to appear before the Court or liquidators any officer of the company, or any other person known or suspected to have in his possession any of the estate or effects of the company, or supposed to be indebted to the company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the company; and in case of refusal to appear or answer the questions submitted he may be committed and punished by the judge as for a contempt. Examination of persons before court or liquidator

(12) The Court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the company. Production of books, etc.

(13) If any person so summoned, after being tendered the fees to which a witness is entitled in the Court, refuses to come before the Court or liquidators at the time appointed, having Penalty on person summoned not attending

no lawful impediment, the Court may cause such person to be apprehended and brought before the Court or liquidators for examination.

Mode of  
examination

(14) The Court or liquidators may examine upon oath any person appearing or brought before them in the manner aforesaid concerning the affairs, dealings, estate or effects of the company, and may reduce into writing the answers of every such person and require him to subscribe the same.

Subpoenas

(15) In any proceeding under this Ordinance the Court may order a writ of *subpoena ad testificandum* or of *subpoena duces tecum* to issue commanding the attendance as a witness of any person within the limits of the Territories.

Liens

(16) Where any person claims a lien on papers, deeds or writings or documents produced by him such production shall be without prejudice to the lien: and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien.

Power of Court  
to assess  
damages  
against  
delinquent  
directors, etc.

(17) Where in the course of winding up a company under this Ordinance it appears that any past or present director, manager, liquidator or any officer of the company has misapplied or retained in his own hands or become liable or accountable for moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company the Court may, on the application of a liquidator or of any contributory of the company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, liquidator or other officer, and compel him to repay the moneys so misapplied or retained, or for which he has become liable or accountable, together with interest at such rate as the Court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just.

Proceedings  
by contribu-  
tories at their  
own expense  
and for their  
own benefit  
only

**23.** If at any time a member of the company desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the company, and the liquidators, with or without the authority of the members of the company or of the inspectors, refuse or neglect to take such proceeding, after being duly required so to do, such member of the company shall have the right to obtain an order of the Court, authorising him to take such proceeding in the name of the liquidators or company, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidators as the Court may prescribe: and thereupon any benefit derived from such proceeding shall belong exclusively to the member of the company instituting the same, for his benefit and that of any other member of the company who may have joined him in causing the institution of such proceeding: but if, before such order is granted, the liquidators signify to the Court their readiness to institute such proceeding for the benefit of the company, an



order shall be made prescribing the time within which they shall do so and in that case any advantage derived from such proceeding shall appertain to the company.

**24.** If from any cause there is no liquidator acting either provisionally or otherwise the Court may, on the application of a member of the company, appoint a liquidator or liquidators. Appointment by Court

(2) The Court may also on due cause shown remove a liquidator and appoint another liquidator. Removal of liquidator

(3) When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator. The case of no liquidator

**25.** Any one or more members of the company whose shares therein in the aggregate exceed \$500, who may be dissatisfied with the resolution adopted or orders made by the members of the company or the inspectors, or with any action of the liquidators for the disposal of the property of the company, or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or winding up of the estate, may, within four clear days after meeting of the members of the company in case the subject of dissatisfaction is a resolution or order of the members of the company or within four clear days after becoming aware or having notice of the resolution of the inspectors or action of the liquidators where such resolution or action is the subject of dissatisfaction, give to the liquidators notice that he or they will apply to the Court, on the day and at the hour fixed by such notice not being later than four clear days after such notice has been given or as soon thereafter as the parties may be heard before the Court, to rescind such resolutions or orders. Rescinding of resolution, etc. by the Court.

(2) The Court, after hearing the inspectors, the liquidators and members of the company present at the time and place so fixed, may approve, rescind or modify the said resolutions or orders. Confirmation or variation of resolutions, etc

(3) In case of the application being refused the party applying shall pay all costs occasioned thereby, and in other cases the costs and expenses shall be in the discretion of the Court. Costs

**26.** Any party who is dissatisfied with any order or decision of the Court in any proceeding under this Ordinance may appeal therefrom to the Court *en banc*. Appeals

(2) No such appeal shall be entertained unless the appellant has, within eight days after the rendering of such order or decision, taken proceedings on the said appeal in accordance with the Rules of the Court in respect to appeals from final judgments nor unless within the said time he has given security by way of deposit or otherwise to the satisfaction of the Court that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent. Security for damages and costs

(3) If the party appellant does not proceed with his appeal according to the law or the rules of practice the Court, on the Dismissal of appeal

application of the respondent, may dismiss the appeal and condemn the appellant to pay the respondent the costs by him incurred.

Judgment  
final

(4) The judgment of the Court *en banc* on such appeal shall be final.

Powers of  
Court to be in  
addition to  
other powers

**27.** Any powers by this Ordinance conferred on the Court shall be deemed to be in addition to any other power of instituting proceedings against any contributory, or against any debtor of the company for the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly.

Enforcing of  
orders

**28.** All orders made by the Court may be enforced in the same manner as orders of such Court made in any action pending therein.

#### MATTERS OF PRACTICE.

Petition on  
winding up

**29.** Any application to the Court for the winding up of a company under this Ordinance shall be by originating summons which may be issued at the instance of the company, or any contributory or contributories of the company and thereafter the matter shall proceed as a cause in Court and be subject, except where inconsistent herewith, to all the rules applicable to ordinary causes.

Course of  
Court on hear-  
ing petition

(2) Upon hearing the summons the Court may dismiss the same, with or without costs, or may adjourn the hearing conditionally or unconditionally, and may make an interim order, or any other order that it deems just.

Stay of  
proceedings

**30.** The Court, at any time after an order has been made for winding up a company, may, upon the application of any contributory, to be made by summons, and upon proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit.

Rules of pro-  
cedure in or-  
dinary cases,  
etc., to apply

**31.** The rules of procedure for the time being as to amendments of pleadings and proceedings in the Court shall, as far as practicable, apply to all pleadings and proceedings under this Ordinance: and any Court before whom such proceedings are being carried on shall have full power and authority to apply the appropriate rules as to amendments to the proceedings so pending: and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended or disregarded under the rules and practice of the Court.

Amendments

Books, etc., to  
be *prima*  
*facie* evidence

**32.** All books, accounts and documents of the company and of the liquidators shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

**33.** Any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Ordinance may be sworn or made before any person authorised to take affidavits for use in the Supreme Court of the North-West Territories.

Affidavit, before whom sworn

#### DISSOLUTION OF COMPANY.

**34.** As soon as the affairs of the company are fully wound up the liquidators shall make up an account showing the manner in which the winding up has been conducted and the property of the company disposed of: and thereupon they shall call a general meeting of the company for the purpose of having the account laid before them and hearing any explanation that may be given by the liquidators: the meeting shall be called by advertisement specifying the time, place and object of such meeting: and the advertisement shall be published one month at least previously thereto.

Account of winding up to be made by liquidator to a general meeting

(2) The liquidators shall make a return to the Registrar of Joint Stock Companies of such meeting having been held and of the date at which the same was held: which return shall be filed in his office: and on the expiration of three months from the date of the filing of such return the company shall be deemed to be dissolved.

Return of holding of meeting to be sent to Registrar of Joint Stock Companies  
Dissolution of company

**35.** Whenever the affairs of the company have been completely wound up the Court may, before the expiration of the said period of three months, make an order that the company be dissolved from the date of such order, and the company shall be dissolved accordingly: which order shall be reported by the liquidators to the Registrar of Joint Stock Companies.

Order for dissolution

Report to the Registrar

**36.** If the liquidators make default in transmitting to the Registrar of Joint Stock Companies the return mentioned in section 34 hereof, or in reporting the order, if any, declaring the company dissolved they shall be severally liable to a penalty not exceeding \$20 for every day during which they are in default.

Penalty on default in reporting by liquidator or in making return

**37.** All dividends deposited in a bank and remaining unclaimed at the time of the dissolution of the company shall be left for three years in the bank where they are deposited, and if still unclaimed shall then be paid over by such bank, with interest accrued thereon, to the Territorial Treasurer, and, if afterwards duly claimed, shall be paid over to the person entitled thereto upon satisfactory proof of his claim being made.

Disposition of unclaimed dividends

**38.** Every liquidator shall, within thirty days after the date of the dissolution of the company, deposit in the bank appointed or named as hereinbefore provided for, any other money belonging to the estate then in his hands not required for any other purpose authorised by this Ordinance, with a

Deposit by liquidator after dissolution of money with sworn statement



Penalty on omission

sworn statement and account of such money, and that the same is all he has in his hands ; and he shall be subject to a penalty not exceeding \$10 for every day on which he neglects or delays such payment ; and he shall be a debtor to His Majesty for such money and may be compelled as such to account for and pay over the same.

Money to remain on deposit for three years

(2) The money so deposited shall be left for three years in the bank and shall be then paid over, with interest accrued thereon, to the Territorial Treasurer, and if afterwards claimed shall be paid over to the person entitled thereto upon satisfactory proof of his claim being made.

Disposal of books, etc., after winding up

(3) Where a company has been wound up under this Ordinance and is about to be dissolved the books, accounts, and documents of the company and of the liquidators may be disposed of in such a way as the company by an extraordinary resolution directs.

After five years responsibility as to custody of books, etc. to cease

(4) After the lapse of five years from the date of such dissolution no responsibility shall rest on the company or liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them are not forthcoming to any party claiming to be interested therein.

#### RULES OF COURT.

Judges to make rules and forms as to proceedings and costs, etc.

**39.** The Supreme Court, or any three of the judges thereof, may, from time to time, make and frame and settle the forms, rules and regulations to be followed and observed in proceedings under this Ordinance, and may make rules as to costs, fees and charges which shall or may be had, taken or paid in all such cases by or to advocates or counsel, and by or to officers of the Court, whether for the officers or for the Crown, and by or to sheriffs, or other persons whom it may be necessary to provide for, or for any service performed or work done under this Ordinance.

Practice till allowance of rules, etc.

(2) Until such forms, rules and regulations are so approved, and subject to any which may be approved, the practice under this Ordinance shall, in cases not hereinbefore provided for, be the same, as nearly as may be, as under *The Winding Up Act*, and the rules of the said Court made thereunder or applicable thereto.

1903

## CHAPTER 14

### An Ordinance respecting Foreign Companies.

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. This Ordinance may be cited as "*The Foreign Companies* Short title Ordinance, 1903."

#### INTERPRETATION.

2. In the construction of this Ordinance and of any rules or Interpretation forms made in pursuance thereof :

1. "Foreign Company" shall mean any company or association incorporated otherwise than by or under the authority of an Ordinance of the Territories for the purpose of carrying on any business to which the legislative authority of the Legislative Assembly of the Territories extends :

2. "Registrar" shall mean registrar of joint stock companies and shall include a deputy registrar and an acting registrar :

3. "Charter" shall mean the Statute, Ordinance or other provision of law by or under which a foreign company is incorporated and any amendments thereto applying to such company, or the memorandum of association or agreement or deed of settlement of the company or the letters patent or charter of incorporation or the licence or certificate of registration of the company as the case may be :

4. "Charter and regulations" shall mean the charter and the articles of association and all bylaws, rules and regulations of the company :

5. "Court" shall mean the supreme court of the North-West Territories ;

6. "Judge" shall mean judge of the said Court.

3. Unless otherwise provided by any Ordinance no foreign company having gain for its object or a part of its object shall carry on any part of its business in the Territories unless it is duly registered under this Ordinance. Foreign company to become registered

(2) Any unregistered foreign company carrying on business and any company, firm, broker or other person carrying on business as a representative or on behalf of such unregistered foreign company shall be liable on summary conviction to a penalty of \$50 for every day on which such business is carried

on in contravention of this section and proof of compliance with the provisions of this section shall at all times be upon the accused.

(3) The taking orders for or the buying or selling goods, wares and merchandise by travellers or by correspondence if the company has no resident agent or representative and no warehouse, office or place of business in the Territories the onus of proving which shall in any prosecution under this section rest on the accused shall not be deemed to be carrying on business under the meaning of this Ordinance.

Rights of  
company when  
registered

**4.** Any foreign company may become registered on compliance with the provisions of this Ordinance and on payment to the registrar of such fees as would be payable for registration under the provisions of *The Companies Ordinance*; and shall subject to the provisions of its charter and regulations and to the terms of the registration thereupon have the same powers and privileges in the Territories as if incorporated under the provisions of *The Companies Ordinance*.

Procedure to  
obtain  
registration

**5.** Before the registration of any foreign company the company shall file in the office of the registrar :

- (a) A true copy of the charter and regulations of the company verified in manner satisfactory to the registrar ;
- (b) An affidavit or statutory declaration that the company is still in existence and legally authorised to transact business under its charter ;
- (c) A copy of the last balance sheet of the company or a statement containing the information required to be given in the annual statement made under the provisions of section 8.
- (d) A duly executed power of attorney under its common seal approved by the registrar empowering some person therein named and residing in the Territories to act as its attorney for the purpose of accepting service of process in all suits and proceedings against the company within the Territories and of receiving all lawful notices and declaring that service of process in respect of such suits and proceedings and of such notices on the said attorney shall be legal and binding to all intents and purposes whatever and waiving all claims of error by reason of such service ; and such company may from time to time by a new or other power of attorney executed and deposited as aforesaid appoint another attorney within the Territories for the purposes aforesaid to replace the attorney formerly appointed.

Certificate  
of registration

**6.** Upon compliance by any foreign company with the terms of this Ordinance the registrar shall register such company and issue a certificate of registration ; and such



certificate of registration shall be conclusive evidence that all the requirements of this Ordinance preliminary to the issue thereof have been complied with.

(2) Such certificate of registration shall be published by the registrar at the expense of the company in the official gazette.

7. The certificate of registration or any copy thereof certified under the hand and seal of the registrar or a copy of the gazette containing such certificate of registration shall be *prima facie* evidence of the due registration of the company as aforesaid. Evidence of registration

8. A company registered under this Ordinance shall on or before the first of March in each year during the continuance of such registration make a statement to the registrar verified by affidavit containing as of the thirty-first day of December preceding a summary of the following particulars: Annual statement

- (a) The corporate name of the company;
- (b) The place where the head office of the company is situated;
- (c) The place or places where or from which the undertaking of the company is carried on;
- (d) The name, residence and post office address of the president, the secretary and the treasurer of the company;
- (e) The name, residence and post office address of each of the directors of the company;
- (f) The date upon which the last annual meeting of the company was held;
- (g) The amount of the capital of the company and the number of shares into which it is divided;
- (h) The number of shares subscribed for and allotted;
- (i) The amount of stock, if any, issued free from call; if none is so issued the fact is to be stated;
- (j) The amount issued subject to call;
- (k) The number of calls made on each share;
- (l) The total amount of calls received;
- (m) The total amount of calls unpaid;
- (n) The total amount of shares forfeited;
- (o) The total amount of shares which have never been allotted or subscribed for;
- (p) The total amount for which shareholders of the company are liable in respect of the unpaid stock held by them;
- (q) In a concise form such further information respecting the affairs of the company as the directors may consider expedient.

(2) The summary in the next preceding subsection mentioned shall be verified by the affidavit of the president and secretary ; or if there is no president or he is unable to make the same by the affidavit of the secretary and one of the directors ; or if there is no secretary or he is unable to make such affidavit by the affidavit of the president and one of the directors ; or if there is neither a president nor secretary or they are both unable to make such affidavit by the affidavit of two of the directors ; and if the president or secretary does not make or join in the affidavit the reason therefor shall be stated in the substituted affidavit.

(3) The filing with the registrar of an annual return in the form and at the time and verified in the manner required by the provisions of sections 19 and 20 of *The Insurance Act* being chapter 124 of the Revised Statutes of Canada shall relieve any company licensed under the said Act from compliance with the provisions of subsections (1) and (2) of this section.

(4) The registrar may at any time require the company to supply such further and other information as shall seem to him to be reasonable and proper.

(5) Any company making default in complying with the provisions of this section shall be liable on summary conviction to a penalty of \$20 for each and every day during which default continues ; and every director, manager, secretary, agent, traveller or salesman of such company who transacts within the Territories any business whatever for such company shall be liable on summary conviction to a penalty of \$20 for each day upon which he so transacts such business.

(6) The statement or return required by this section shall be accompanied with the fee of \$5.

Substituted  
service

9. If the power of attorney hereinbefore prescribed becomes invalid or ineffectual for any reason or if other service cannot be effected the Court or judge may order substitutional service of any process, proceeding, notice or document upon the company to be made by such publication as is deemed requisite to be made in the premises for at least three weeks in at least one newspaper ; and such publication shall be held to be due service upon the company of such process, proceeding, notice or document.

No right of  
action by  
unregistered  
company

10. Any foreign company required by this Ordinance to become registered shall not while unregistered be capable of maintaining any action or other proceeding in any court in respect of any contract made in whole or in part in the Territories in the course of or in connection with business carried on without registration contrary to the provisions of section 3 hereof.

(2) In any action or proceeding the burden of showing that it is registered shall be upon the company.

**11.** Any foreign company registered under this Ordinance may sue and be sued in its corporate name; and if not prohibited from so doing by its charter and regulations may acquire and hold lands in the Territories by gift, purchase or as mortgagees or otherwise as fully and freely as private individuals; and may sell, lease, mortgage or otherwise alienate the same.

Rights of registered company to sue, hold lands, etc.

**12.** Every foreign company registered as a company under this Ordinance shall subject to the provisions of its charter and regulations and of this Ordinance have and may exercise all the rights, powers and privileges by *The Companies Ordinance* granted to and conferred upon companies incorporated thereunder; and every such foreign company and the directors, officers and members thereof shall be subject to and shall, subject as aforesaid, observe, carry out and perform every act, matter, obligation and duty by *The Companies Ordinance* prescribed and imposed upon companies incorporated thereunder or upon the directors, officers and members thereof.

Rights and duties of registered companies

**13.** No licence fee shall be imposed by any municipal council upon any company registered under this Ordinance.

No municipal licence fee

**14.** Notwithstanding anything heretofore contained in this Ordinance any foreign company holding a licence to carry on business in the Territories under the provisions of any Ordinance in that behalf shall upon surrendering such licence to the registrar be entitled to be registered under this Ordinance without compliance with any further provisions hereof.

Foreign company already licensed not required to refile documents

**15.** The Lieutenant Governor in Council may by Order in Council notice of which shall be published in the gazette suspend or revoke the registration of any foreign company which refuses or fails to keep a duly appointed attorney within the Territories or to comply with any provision of this Ordinance; and notwithstanding such suspension or revocation the rights of creditors of the company shall remain as at the time of such suspension or revocation.

Lieutenant Governor's power to suspend or revoke registration

(2) The Lieutenant Governor in Council may likewise by order notice of which shall be published in the official gazette remove any such suspension or cancel any such revocation and restore any registration so suspended or revoked.

#### FORMS.

**16.** The Lieutenant Governor in Council may prescribe and from time to time alter forms of certificates, powers of attorney, applications, statements, returns and other documents relating to applications and other proceedings under this Ordinance.

Lieutenant Governor may alter forms



Ordinance not  
to apply to  
Hudson's Bay  
Co.

**17.** This Ordinance shall not apply to the corporation known as "The Governor and Company of Adventurers of England trading into Hudson's Bay."

REPEAL.

Repeal

**18.** Chapter 63 of *The Consolidated Ordinances 1898* intituled *An Ordinance respecting Foreign Corporations* and Chapter 18 of the Ordinances of 1900 amending the same are hereby repealed.

1903

## CHAPTER 15

### An Ordinance respecting Trust Companies.

[Assented to June 19, 1903].

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. This Ordinance may be cited as "*The Trust Companies' Short title Ordinance.*"

2. In this Ordinance the expression "trust company" shall mean a company incorporated for the purpose of exercising any of the powers set forth in the schedule to this Ordinance and authorised whether before or after the passing of this Ordinance and whether by special Ordinance or otherwise to carry on its business in the Territories.

3. No company shall be incorporated or otherwise authorised to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor's estate or of committee of a lunatic's estate unless such company has complied with the provisions of this Ordinance.

4. No company shall be authorised to become or be appointed guardian of the persons of infants or committee of the persons of lunatics.

5. Where a trust company is authorised to execute the office of executor, administrator, trustee, assignee, guardian or committee then in case the Lieutenant Governor in Council approves of such company being accepted by the Supreme Court as a trust company for the purposes of such Court the said Court or any judge thereof may with the consent of the company appoint such company to exercise any of the said offices in respect of any estate, or person, under the authority of such Court or judge or may grant to such company probate of any will in which such company is named an executor: but no company which has issued or has authority to issue debentures shall be approved as aforesaid.

(2) A trust company so approved of may be appointed to be a sole trustee notwithstanding that but for this Ordinance it would be necessary to appoint more than one trustee and may also be appointed trustee jointly with another person.

(3) Such appointment may be made whether the trustee is required under the provisions of any deed, will or document

creating a trust or whether the appointment is under the provisions of any Ordinance respecting trustees and executors and the administration of estates or otherwise.

(4) Notwithstanding any rule of practice or any provision of any Ordinance requiring security it shall not be necessary for the said company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, assignee, guardian, or committee unless otherwise ordered.

(5) The Lieutenant Governor in Council may revoke the approval given under this section and no court or judge after notice of such revocation shall appoint any such company to be an administrator, trustee, receiver, assignee, guardian or committee unless such company gives the like security for the due performance of its duty as would be required from a private person.

Liability of  
company  
acting as  
trustee

6. The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, assignee, guardian, or committee as aforesaid, shall be the same as if the estate had been held by any private person in the like capacity and its powers shall be the same.

Investigation  
of affairs of  
company

7. The Supreme Court if it deems necessary may from time to time appoint a suitable person to investigate the affairs and management of any trust company; and such person shall report thereon to the Court and regarding the security afforded to those by or from whom the engagements of the company are held; and the expense of such investigations shall be defrayed by the company; or the Court may if it deems necessary examine the officers or directors of the company under oath as to the security aforesaid.

(2) The Lieutenant Governor may also from time to time when he deems it expedient appoint an inspector to examine the affairs of any such company and report to him on the security afforded to those by and for whom its engagements are held as aforesaid; and the expense of the investigation shall be borne by the company.

Deposit with  
company of  
money paid  
into court

8. Every court into which money is paid by parties or is brought by order or judgment may by order direct the same to be deposited with any trust company that may agree to accept the same and the company may pay any lawful rate of interest on such moneys as may be agreed upon and where no special arrangement is made interest shall be allowed by the company at the rate of not less than three per centum annually.

(2) Every trust company may invest any trust moneys in its hands in any securities in which private trustees may by law invest trust moneys and may also invest such moneys in the public stock funds or government securities of any of the provinces of the Dominion or in any securities guaranteed by the United Kingdom of Great Britain and Ireland, or by the



Dominion, or by any of the said provinces, or in the bonds or debentures of any municipal corporation or school district in the North-West Territories or in securities which are a first charge on lands held in fee simple in the Territories :

Provided that such company shall not in any case invest the moneys of any trust in securities prohibited by the trust and shall not invest moneys intrusted to it by any court in a class of securities disapproved of by the court.

9. No trust company incorporated under *The Companies Ordinance* shall issue debentures.

Trust  
companies  
not to issue  
debentures

## SCHEDULE.

### POWERS WHICH MAY BE GIVEN TO TRUST COMPANIES.

To take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred, or conveyed to them with their consent upon any trust or trusts whatsoever (not contrary to law) at any time or times, by any person or persons, body or bodies corporate, or by any court in the Territories ;

To take and receive on deposit, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds, debentures, or other valuable papers or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe keeping of the same;

To act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons, and other securities for money ;

To act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any association, or corporation, municipal or other;

To receive, invest and manage any sinking fund therefor on such terms as may be agreed upon ;

To accept and execute the offices of executor, administrator, trustee, receiver, assignee, or of trustee for the benefit of creditors under any Ordinance of the Legislature of the Territories; and of guardian of any minor's estate, or committee of any lunatic's estate ; to accept the duty and act generally in the winding up of estates, partnerships, companies and corporations;

To guarantee any investments made by them as agents or otherwise ;

To sell, pledge, or mortgage any mortgage or other security or any other real or personal property held by the company from time to time, and to make and execute all requisite conveyances and assurances in respect thereof ;

To make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the said company, and to promote the objects and business of the said company;

And for all such services, duties and trusts to charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses.

1903

## CHAPTER 16

### An Ordinance to secure Uniform Conditions in Policies of Fire Insurance.

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Fire Insurance Policy Ordinance.*" Short title

2. Where, by reason of necessity, accident or mistake, the conditions of any contract of fire insurance on property in the Territories, as to the proof to be given to the insurance company after the occurrence of a fire, have not been strictly complied with, or where, after a statement or proof of loss has been given in good faith, by or on behalf of the assured in pursuance of any proviso or condition of such contract, the company, through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions, or does not, within a reasonable time after receiving such statement or proof, notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective and so from time to time, or where for any other reason the Court or judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions, no objection to the sufficiency of such statement or proof, or amended or supplemental statement or proof, as the case may be, shall, in any of such cases, be allowed as a discharge of the liability of the company on such contract of insurance wherever entered into; but this section shall not apply where the fire has taken place before the coming into force of this Ordinance.

Company to be liable notwithstanding trifling defects in proof

3. Where the loss, if any, under any policy has, with the consent of the company, been made payable to some person or persons or company other than the assured as mortgagee or mortgagees, said policy shall not be cancelled, altered or otherwise dealt with by the company upon the application of the assured, nor in any case without reasonable notice to the said mortgagee or mortgagees.

Where loss payable to mortgagee, notice of cancellation, etc., to be given mortgagee



"Statutory conditions"

4. The conditions set forth in the schedule of this Ordinance shall, as against the insurers, be deemed to be part of every contract, whether sealed, written or oral, of fire insurance hereafter entered into or renewed or otherwise in force in the North-West Territories with respect to any property therein, or in transit therefrom or thereto, and shall be printed on every policy of fire insurance, with the heading "Statutory Conditions."

"Variations in conditions"

5. If a company or other insurer desires to vary the said conditions or to omit any of them, or to add new conditions, there shall be added on the policy in conspicuous type and in ink of different colour, words to the following effect :

" VARIATIONS IN CONDITIONS.

"This policy is issued on the above statutory conditions, with the following variations and additions :

"These variations (*or as the case may be*) are, by virtue of *The Fire Insurance Policy Ordinance* in that behalf, in force so far as, by the Court or judge before whom a question is tried relating thereto, they shall be held to be just and reasonable to be exacted by the company."

Legality of variations in conditions!

6. No such variation, addition or omission shall, unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, be legal and binding on the assured ; and no question shall be considered as to whether any such variation, addition or omission is under the circumstances just and reasonable, but, on the contrary, the policy shall, as against the insurers, be subject to the statutory conditions only unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid.

Conditions held by Court to be unjust and unreasonable to be null and void

7. In case a policy is entered into or renewed containing or including any condition other than or different from the conditions set forth in the schedule to this Ordinance, if the said condition so contained or included is held by the Court or judge before whom a question relating thereto is tried, to be not just and reasonable, such condition shall be null and void.

Appeal

8. A decision of a court or a judge under this Ordinance shall be subject to review or appeal to the same extent as a decision by such court or judge in other cases.

Commencement

9. This ordinance shall come into force on the first day of January, 1904.

## SCHEDULE.

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(Sections 4 and 7.)

## STATUTORY CONDITIONS.

1. If any person or persons insures his or their buildings or goods and causes the same to be described otherwise than as they really are to the prejudice of the company, or misrepresents or omits to communicate any circumstance which is material to be made known to the company in order to enable it to judge of the risk it undertakes, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made.

2. After application for insurance it shall be deemed that any policy sent to the assured is intended to be in accordance with the terms of the application unless the company points out in writing the particulars wherein the policy differs from the application.

3. Any change material to the risk, and within the control or knowledge of the assured, shall avoid the policy as to the part affected thereby, unless the change is promptly notified in writing to the company or its local agent; and the company when so notified may return the premium for the unexpired period and cancel the policy, or may demand in writing an additional premium, which the assured shall, if he desires the continuance of the policy, forthwith pay to the company; and if he neglects to make such payment forthwith after receiving such demand, the policy shall be no longer in force.

4. If the property insured is assigned without a written permission indorsed hereon by an agent of the company duly authorised for such purpose, the policy shall thereby become void; but this condition does not apply to change of title by succession, or by the operation of the law, or by reason of death.

5. When property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the company or its agent; and in case of the removal of property to escape conflagration the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interests of the company or companies and the assured.

6. Money, books of account, securities for money, and evidences of debt or title are not insured.

7. Plate, plate glass, plated wire, jewelry, medals, paintings, sculptures, curiosities, scientific and musical instruments, bullion, works of art, articles of virtu, frescoes, clocks, watches, trinkets, and mirrors are not insured unless mentioned in the policy.

8. The company is not liable for loss if there is any prior insurance in any other company unless the company's assent thereto appears herein or is indorsed hereon, nor if any subsequent insurance is effected in any other company unless and until the company assents thereto, or unless the company does not dissent in writing within two weeks after receiving written notice of the intention or desire to effect the subsequent insurance, or does not dissent in writing after that time and before the subsequent or further insurance is effected.

9. In the event of any other insurance on the property herein described having been assented to as aforesaid then this company shall, if such other insurance remains in force, on the happening of any loss or damage, only be liable for the payment of a ratable proportion of such loss or damage without reference to the dates of the different policies.

10. The company is not liable for the losses following, that is to say:

- (a) For loss of property owned by any other party than the assured, unless the interest of the assured is stated in or upon the policy;
- (b) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power;
- (c) Where the insurance is upon buildings or their contents for loss caused by the want of good and substantial brick or stone chimneys, or by ashes or embers being deposited, with the knowledge and consent of the assured, in wooden vessels, or by stoves or stove pipes being to the knowledge of the assured in an unsafe condition or improperly secured;
- (d) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary;
- (e) For loss or damage occurring to buildings or their contents while the buildings are being repaired by carpenters, joiners, plasterers, or other workmen, and in consequence thereof, unless permission to execute such repairs had been previously granted in writing signed by a duly authorised agent of the company: but in dwelling houses, fifteen days are allowed in each year for incidental repairs, without such permission;
- (f) For loss or damage occurring while petroleum, rock, earth or coal oil, camphene, gasoline, burning fluid, benzine, naphtha or any liquid products thereof, or any of their constituent parts (refined coal oil for lighting purposes only, not exceeding twenty gallons in quantity, or lubricating oil not being crude petroleum nor oil of less specific gravity than required by law, for illuminating purposes, not exceeding twenty gallons in quantity, excepted), or more than twenty-



five pounds weight of gunpowder is or are stored or kept in the building insured or containing the property insured, unless permission is given in writing by the company.

11. The company will make good loss caused by the explosion of coal gas in a building not forming part of gas works, and loss by fire caused by any other explosion or by lightning.

12. Proof of loss must be made by the assured although the loss be payable to a third party.

13. Any person entitled to make a claim under this policy is to observe the following directions:

- (a) He is forthwith after loss to give notice in writing to the company;
- (b) He is to deliver, as soon afterwards as practicable, as particular an account of the loss as the nature of the case permits;
- (c) He is also to furnish therewith a statutory declaration, declaring—
  - (1) That the said account is just and true;
  - (2) When and how the fire originated, as far as the declarant knows or believes;
  - (3) That the fire was not caused through his wilful act or neglect, procurement, means or contrivance;
  - (4) The amount of other insurances;
  - (5) All liens and incumbrances on the subject of insurance;
  - (6) The place where the property insured, if movable, was deposited at the time of the fire;
- (d) He is, in support of his claims, if required and if practicable, to produce books of account, warehouse receipts, and stock lists, and furnish invoices and other vouchers, to furnish copies of the written portion of all policies, to separate as far as reasonably may be the damaged from the undamaged goods, and to exhibit for examination all that remains of the property which was covered by the policy;
- (e) He is to produce, if required, a certificate under the hand of a justice of the peace, notary public or commissioner for taking affidavits, residing in the vicinity in which the fire happened, and not concerned in the loss or related to the assured or sufferers, stating that he has examined the circumstances attending the fire, loss or damage alleged, that he is acquainted with the character and circumstances of the assured or claimant, and that he verily believes that the assured has by misfortune and without fraud or evil practice sustained loss and damage on the subject assured, to the amount certified.

14. The above proofs of loss may be made by the agent of the assured in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for.

15. Any fraud or false statement in a statutory declaration in relation to any of the above particulars shall vitiate the claim.

16. If any difference arises as to the value of the property insured, of the property saved, or amount of the loss, such value and amount and the proportion thereof, if any, to be paid by the company, shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or in the event of their failing to agree, then by a judge of the Supreme Court of the North-West Territories; and such reference shall be subject to the provisions of *The Arbitration Ordinance*; and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and proportion to be paid by the company; where the full amount of the claim is awarded the costs shall follow the event; and in other cases all questions of costs shall be in the discretion of the arbitrators.

17. The loss shall not be payable until thirty days after completion of the proofs of loss, unless otherwise provided for by the contract of insurance.

18. The company, instead of making payment, may repair, rebuild or replace within a reasonable time the property damaged or lost, giving notice of their intention within fifteen days after the receipt of the proofs herein required.

19. The insurance may be terminated by the company by giving five days personal written notice to that effect, and, if on the cash plan, by tendering therewith a ratable proportion of the premium for the unexpired term, calculated from the termination of the notice; and the policy shall cease after such tender and notice aforesaid, and the expiration of the five days:

- (a) The insurance, if for cash, may also be terminated by the assured by giving written notice to that effect to the company, or its authorised agent, in which case the company may retain the customary short rate for the time the insurance has been in force and shall repay to the assured the balance of the premium paid.

20. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company unless the waiver is clearly expressed in writing signed by an agent of the company.

21. Any officer or agent of the company who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance shall be deemed *prima facie* to be the agent of the company for the purpose.

22. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy shall be absolutely barred unless commenced within the term of one year next after the loss or damage occurs.

23. Any written notice to a company for any purpose of the statutory conditions, where the mode thereof is not expressly provided, may be by letter delivered at the head office of the company in the North-West Territories, or by registered post letter addressed to the company, its manager or agent, at such head office, or by such written notice given in any other manner to an authorised agent of the company.

1903

## CHAPTER 17

### An Ordinance respecting Agricultural Societies.

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

Short title      1. This Ordinance may be cited as "*The Agricultural Societies Ordinance*." 1889, c. 14, s. 1.

#### INTERPRETATION.

Interpretation      2. In this Ordinance, unless the context otherwise requires—  
1. The expression "department" means the Department of Agriculture ;  
2. The expression "commissioner" means the Commissioner of Agriculture ;  
3. The expression "society" means any Agricultural Society organised or continued under this Ordinance. 1899, c. 14, s. 2.

#### OBJECTS OF AGRICULTURAL SOCIETIES.

Objects of societies      3. The objects of a society shall be to encourage improvement in agriculture, horticulture, arboriculture, manufactures and the useful arts—  
1. By holding meetings for the delivery of lectures and for the discussion of subjects connected with the theory and practice of any of the said industries ;  
2. By promoting the circulation of agricultural, pastoral, horticultural, arboricultural and mechanical periodicals, and by the formation and maintenance of a reference library on such subjects for the use of its members ;  
3. By importing and otherwise procuring seeds, plants and animals of new or valuable kinds ;  
4. By holding exhibitions as hereinafter provided at which prizes may be awarded for—  
(a) Excellence in the raising or introduction of live stock.  
(b) The invention or improvement of agricultural machines or implements.



(c) The production of grains and all kinds of vegetables, plants, flowers and fruits, home manufactures and works of art; and generally for excellence in any agricultural production or operation;

5. By offering prizes for essays on subjects relating to agriculture, including the prevention of prairie fires and the eradication of noxious weeds;

6. By taking action to eradicate poisonous and noxious weeds and to exterminate such animals as are found to injure or impede agriculture;

7. By carrying on experiments in the growing of crops, the feeding of stock or any other branch of agriculture or by testing any system of farming;

8. By affiliating and co-operating with associations organised to improve live stock or encourage grain growing, dairying, forestry or fruit growing, or promote the study of plant life or the destruction of injurious insects and plants. 1899, c. 14, s. 3.

4. The funds of agricultural societies, howsoever derived, shall not be expended for any objects inconsistent with those authorised by this Ordinance. <sup>Expenditure of funds</sup>

2. Such funds shall be deposited from time to time to the credit of the society in a chartered bank or other banking house; and all cheques shall be signed by the president or a vice president and the treasurer or secretary treasurer of the society. 1899, c. 14, s. 18.

#### EXISTING SOCIETIES CONTINUED.

5. All agricultural societies established and in operation at the time of the coming into force of this Ordinance shall be continued as agricultural societies under and subject to the provisions of this Ordinance and the present officers of such societies shall continue to hold office as such until the next annual meeting of the society. <sup>Existing societies</sup> 1899, c. 14, s. 4.

#### ORGANISATION OF SOCIETIES.

6. An agricultural society may be formed under the provisions hereof in the following manner: <sup>Organisation</sup>

1. An application in form A in the schedule hereto and containing the information indicated as required thereby shall be signed by not less than fifty persons all being over eighteen years of age and residents of the Territories and not being members of any other agricultural society;

2. Every person signing the said application shall pay at least one dollar as or as part of his first annual subscription to the funds of the proposed society and such moneys shall be paid to and be held by one of the subscribers in trust for the society;

3. The application shall be verified by an affidavit of one of the subscribers in the form appended to said form A ;

4. The application so verified shall be transmitted to the commissioner who, if he approves thereof, shall declare the subscribers thereto to be organised into a society under the name of "The Agricultural Society," and shall issue a certificate of such organisation in form B in the schedule hereto and thereupon the society shall be deemed to be formed and it shall be a corporation and in addition to its other rights as such it shall have the power to hold real estate necessary for the objects of the society: but any society may, subject to the permission of the commissioner, change its name at any time. 1899, c. 14, s. 5.

First meeting  
of members

7. As soon as practicable after the formation of the society a meeting of the subscribers and of such other persons as may desire to become members thereof, which shall be the first annual meeting of the society, shall be held at the call of such person as the commissioner may nominate for that purpose and at such time and place and with such prior public notice as he may direct. 1899, c. 14, s. 6.

Report to  
be sent to  
department

8. A report of the said meeting certified by the president and secretary which shall contain a statement of the number of members and a list of the officers elected and appointed shall be sent by the secretary to the department within one week after the meeting.

#### MEMBERSHIP.

Persons  
eligible for  
membership

9. Any person who would have been qualified to sign an application for the formation of a society may become a member thereof at any time on payment to the treasurer of a membership fee of not less than one dollar.

(2) Payment of the said fee shall entitle the person paying it to the privileges of membership for the year for which it is paid.

(3) At the time of payment of his membership fee every member shall give to the treasurer the post office address to which all notices of meetings and other notices shall be sent.

(4) Subject to the bylaws of the society a firm or an incorporated company may become a member of any society by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company and that person only shall exercise the privileges of membership in the society. 1899, c. 14, s. 8.

#### SUPERINTENDENT OF FAIRS.

Officers  
appointed by  
commissioner

10. The commissioner may from time to time appoint a superintendent of fairs and institutes and such other officers as

may be required to carry out the provisions of this Ordinance and may appoint an inspector to examine the books and accounts of any society and may confer on him any or all of the powers which may be conferred on a commissioner appointed under the provisions of *An Ordinance respecting Inquiries concerning Public Matters*. 1899, c. 14, s. 28.

#### OFFICERS OF SOCIETY.

**11.** The officers of the society shall consist of a president and two vice presidents who shall be *ex-officio* directors and nine, twelve or fifteen additional elected directors as may be determined by the society, a secretary and a treasurer or a secretary treasurer and two auditors. 1899, c. 14, s. 9; 1900, c. 21, s. 1. Officers

**12.** The persons qualified to vote for officers or to be elected shall be only those members who have paid their membership fee for the year in which the election is held. 1899, c. 14, s. 22. Qualification  
of voters  
and officers

**13.** At the first annual meeting all of the officers except the secretary and the treasurer or the secretary treasurer shall be elected by ballot. 1899, c. 14, s. 9. Officers to be  
elected at first  
annual  
meeting

**14.** The president, vice presidents, directors and auditors elected at the first or any subsequent annual meeting shall hold office until the next following annual meeting. Term of office  
of president  
elected at first  
meeting

**15.** The board of directors may from time to time appoint a secretary and a treasurer or a secretary treasurer who may be a director or directors and who shall hold office during pleasure. 1899, c. 14, s. 10. Secretary  
treasurer

**16.** The treasurer or secretary treasurer of every society, before entering upon the duties of his office and within one month after his appointment, shall give such security as the board of directors may deem necessary for the faithful performance of his duties, including the due accounting for and payment over of all moneys which may come into his hands, and it shall be the duty of the directors to inquire into the sufficiency of such security and to report thereon to the department forthwith after its completion. Security to be  
given by  
treasurer

(2) No grant shall be paid to any society under this Ordinance unless and until the directors shall have reported that the security of the treasurer or secretary treasurer has been approved by them. 1899, c. 14, s. 17.

**17.** In the event of an officer of an agricultural society dying or resigning office, or in any other way vacating his office during the period for which he has been elected, the board of directors shall appoint an eligible person to fill the office for the unexpired term of the person so vacating office. 1899, c. 14, s. 15. Vacancy in  
office

Commissioner  
may call  
meetings, etc.,  
in certain  
cases

**18.** If at any time there shall be no officers of a society or if there is an insufficient number of officers and they do not act the commissioner may authorise any person to call a meeting of the society for any purpose or to take such other action as the commissioner may deem proper in the interests of the society. 1899, c. 14, s. 16.

#### MEETINGS OF SOCIETY.

Annual  
meeting of  
society

**19.** Every agricultural society shall hold an annual meeting within the first ten days of the month of December in each year at such time and place as may be decided on by the board of directors. 1899, c. 14, s. 22.

Notice of  
annual  
meeting

**20.** At least two weeks' previous notice of the time and place of holding an annual or other meeting of a society shall be given by the secretary by written or printed notice mailed to each member of the society, and such additional notice as the directors may decide. 1899, c. 14, s. 23.

Substituted  
meeting

**21.** In case any society shall, through any cause, fail to hold its annual meeting within the time appointed the commissioner may appoint a time for holding the same, and the meeting shall be called by the secretary or by some person appointed for that purpose by the commissioner in the same way as the regular annual meeting and this meeting shall in all particulars be taken as the annual meeting of the society. 1899, c. 14, s. 24.

Order of  
business

**22.** The following shall be the order of business at annual meetings of agricultural societies :

- (1) Reading minutes of previous meeting.
- (2) Addresses and reports of officers.
- (3) Reports of committees.
- (4) Unfinished business.
- (5) New business.
- (6) Addresses and discussions.
- (7) Election of officers.
- (8) Adjournment.

Reports of  
board of  
directors

**23.** The board of directors shall at the annual meeting present—

- (a) A report of their proceedings for the year with such remarks and suggestions upon the state of agricultural development in the district as they may see fit to offer.
- (b) A statement showing the name, occupation and post office address of each member with the amount of his subscription to the society for the year opposite the name.



- (c) A detailed statement of the receipts and expenditure of the society for the current financial year certified by the auditors.
- (d) A statement of the assets and liabilities of the society certified by the auditors.
- (e) A statement showing the amount offered and also the amount actually paid in prizes for each kind of live stock, agricultural and domestic products, manufactured articles or other objects respectively and the number of entries in each class.
- (f) A report of each meeting held for the discussion of agricultural subjects giving the names of the speakers, the subjects of their addresses and the number of the persons present.
- (g) A report upon any co-operative agricultural experiments carried out under the instructions of the department during the year. 1899, c. 14, s. 25.

**24.** Meetings of the society other than the annual meeting may be held at any time that the board of directors may determine. <sup>Other meetings</sup>

#### MEETINGS OF DIRECTORS.

**25.** Directors' meetings shall be held upon written notice mailed by the secretary to each officer under instructions from the president, or in his absence, from a vice president at least ten days before the day appointed for such meeting. 1899, c. 14, s. 14. <sup>Directors' meetings</sup>

#### QUORUM.

**26.** Ten members shall constitute a quorum at a meeting of the society and five directors at a meeting of the directors. 1899, c. 14, ss. 7 and 14. <sup>Quorum</sup>

#### RETURNS.

**27.** A list of the officers elected at the annual meeting and a copy or summary of each report and statement presented thereat shall be transmitted to the department by the secretary upon the forms provided for the purpose on or before the twenty-third day of December in each year and in case these particulars are not transmitted from any agricultural society within this date it shall not receive any portion of any Territorial legislative grant unless the commissioner is satisfied by the explanations given that such delay was unavoidable or inadvertent in which case he may pay the grant which such society would be entitled to after deducting the sum of five dollars for each week of such delay. 1899, c. 14, s. 26. <sup>Reports, etc., to be transmitted to department</sup>

## BYLAWS.

Bylaws and  
regulations

**28.** The members of each society may at an annual meeting or at a special meeting called for that purpose make, alter and repeal bylaws and regulations for the general management of the society and subject to such bylaws the board of directors shall have full power to act for and on behalf of the society and all grants and other funds of the society shall be received and expended under their direction.

(2) A copy of such bylaws and regulations shall be forthwith transmitted by the society to the department. 1899, c. 14, s. 12.

## REAL ESTATE.

Disposal  
of lands

**29.** The directors shall not sell, mortgage, lease for over a year or otherwise dispose of any real property owned by the society, unless authorised to do so at a special meeting of the society called for the purpose, of which at least a month's notice shall be given in the manner provided for calling such meetings.

2. The notice calling such special meeting shall state the object for which the meeting is called. 1899, c. 14, s. 13.

## EXHIBITIONS.

Exhibitions

**30.** An exhibition may be held by any agricultural society, board of management, or any company organised for the purpose at such time and place as may be decided upon by the directors at a meeting called for that purpose. 1899, c. 14, s. 19.

Prize list  
to be sent  
commissioner

**31.** If a society, board of management or any company organised for the purpose shall propose to hold an exhibition at which prizes are to be awarded the prize list shall be sent to the commissioner at least six weeks before the date upon which the exhibition is to be held. 1889, c. 14, s. 20.

Union of  
societies for  
holding  
exhibitions

**32.** Two or more societies may by agreement between their respective boards of directors unite their funds or any portion thereof for the purpose of holding a joint agricultural or live stock exhibition.

Joint board of  
management

(2) In the case of such amalgamation the directors of the said societies or delegates appointed for such purpose by each board of directors shall meet and shall elect from among their number a president and first and second vice presidents, a secretary treasurer and at least eight persons who, with the officers so elected, shall be a board of management and shall have the charge and management of the exhibition so to be held.

Directors  
voting

(3) The directors or delegates and members of the board of management shall at all meetings have the right to vote in person or by proxy.

(4) One or more auditors shall be appointed at the meeting of the directors or delegates to examine and report on the accounts of such board of management and such report shall be presented by the directors of each society taking part in the joint exhibition at the next annual meeting of their society. 1899, c. 14, s. 21. Auditors of joint board

#### GRANTS.

**33.** There may be paid out of any moneys appropriated by the Legislative Assembly for the aid of agricultural societies an amount to be calculated as follows: Payment of grants

1. To each society whose membership is shown to include at least fifty members who have paid their fees up to the date of the annual meeting, which has held during the preceding year at least two meetings as provided in clause 1 of section 3 of this Ordinance, the sum of one dollar for each paid up member up to 150 ;

2. To each society which has during the preceding year undertaken co-operative agricultural experiments under the direction of the department, filed the returns required and complied with the instructions furnished in connection therewith, the sum of \$5 for each experiment selected and carried out ;

3. To each society holding an exhibition and to any incorporated company or board of management of a joint exhibition holding an exhibition and filing in the department on or before the twenty-third day of December following a return furnishing in respect of such exhibition the same information as is required of a society by clauses (c), (d) and (e) of section 25, whose total expenditure for prizes at such exhibition exceeds \$250 an amount equal to sixty-six and two-thirds per cent. of the amount actually paid out for such prizes, but not exceeding the sum of \$1,000: Provided that the commissioner may withhold payment in respect to any prize offered which in his opinion is not calculated to promote the legitimate objects of an agricultural exhibition ; and provided also that no incorporated company that permits voting by proxy or allows more than one vote to be exercised by each shareholder irrespective of the number of shares owned or controlled by such shareholder shall be entitled to any grant under this clause.

(2) In case the amount of the appropriation available shall not be sufficient to pay the total amount of the grants which would be payable under this section then such amount may be apportioned between those entitled *pro rata* on the same basis. 1899, c. 14, s. 27 ; 1900, c. 21, ss. 2, 3.

#### DISORGANISATION OF SOCIETIES.

**34.** In the event of its appearing advisable that any society be disorganised, the commissioner may order and declare that, Proceedings for disorganisation of societies

on and after a day to be named by him, such society shall be disorganised, and thereupon the same shall cease to exist and the officers thereof shall cease to hold office. 1899, c. 14, s. 29.

Commissioners for settlement of affairs on disorganisation

**35.** Upon the disorganisation of any society the commissioner may appoint a liquidator or liquidators to adjust and settle the assets and liabilities of such society and such liquidator or liquidators so appointed shall have full power and authority to sell and dispose of and convert into money all the assets and property of such society and shall apply the same so far as the same will extend, first, in payment of his or their remuneration, to be fixed by the commissioner, and secondly, in payment of the liabilities of the society, and the surplus, if any, shall be paid into the general revenue fund of the Territories. 1899, c. 14, s. 30.

Regulations by Lieutenant Governor in Council

**36.** The Lieutenant Governor in Council may make regulations for the guidance of agricultural societies not inconsistent with the provisions of this Ordinance respecting the manner in which their official books and records are to be kept and governing the conduct and management of agricultural institute meetings, exhibitions and any other undertakings such societies are authorised to engage in.

(2) Any society that fails to carry out such regulations shall not be entitled to participate in any appropriation in aid of agricultural societies provided by the Legislative Assembly.

Repeal

**37.** Chapter 14 of the Ordinances of 1899 and chapter 21 of the Ordinances of 1900 are hereby repealed..

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## SCHEDULE.

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### FORM A. -

#### APPLICATION FOR FORMATION OF SOCIETY.

To the Commissioner of Agriculture of the North-West Territories.

We the undersigned hereby apply to be formed into an agricultural society under the provisions of *The Agricultural Societies Ordinance*.

The proposed name of the society is "The  
Agricultural Society."

The proposed chief place of business of the society is at  
in the North-West Territories.

And the undersigned, each as to himself, says:

1. That he is over eighteen years of age;
2. That he is a resident of the North-West Territories;
3. That he is not a member of any other agricultural society;



4. That he has subscribed to the funds of the society the sum set opposite his name in the fourth column hereunder and that he has paid to said funds the sum set opposite his name in the fourth column hereunder.

Dated at                      this                      day of                      A.D. 1

SIGNATURE	OCCUPATION	POST OFFICE ADDRESS	AMOUNT PAID

AFFIDAVIT VERIFYING APPLICATION.

Canada.  
North-West Territories.  
To wit :

{  
I,  
of  
in the North-West Territories,  
make oath and say :

1. I am one of the subscribers to the foregoing (or annexed) application ;
2. I verily believe that the statements made in the said application by each of said applicants are true ;
3. The sum of                      dollars, being the total sum paid by said applicants towards the funds of the proposed Agricultural Society is now held by in trust for said society.

Sworn to before me at  
in the North-West Territories  
this                      day of                      A.D. 1

{  
(Signature.)

A                      in and for the N.W.T.  
1889, c. 14, Form A.

FORM B.

THE NORTH-WEST TERRITORIES.

*The Agricultural Societies Ordinance.*

This is to certify that on the                      A.D. 1                      , application was made day of                      to the Commissioner of Agriculture for the North-West Territories by (here set out names and addresses of applicants) for the formation of an agricultural society under the provisions of *The Agricultural Societies Ordinance*, to be known as The                      Agricultural Society and to have its chief place of business at                      in the said

Territories and the requirements of the said Ordinance as to matters preliminary having been complied with it is hereby declared that the said agricultural society has been this day organised under the name of The

Agricultural Society and having its chief place of business as aforesaid and subject in all respects to the provisions of the said Ordinance.

Dated at Regina this  
A.D. 1 .

day of

*Commissioner of Agriculture.*

1899, c. 14, Form B.

1903

## CHAPTER 18

An Ordinance to amend Chapter 70 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Municipalities."

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Section 121 of *The Municipal Ordinance* is hereby Section 121 amended amended :

1. By repealing clause 1 thereof and substituting therefor the following :

"1. All property held by His Majesty or for the public use of the Territories."

2. By repealing clause 3 thereof and substituting therefor the following :

"3. Where any person is occupant of or interested in any property mentioned in either of the two preceding clauses otherwise than in an official capacity such occupant or person interested shall be assessed in respect thereof but the property itself shall not be liable beyond the interest of the person assessed."

3. By striking out the figures "600" where they occur in clause 13 thereof and substituting therefor the figures "1000."

2. This Ordinance shall apply to assessments for the year Application of Ordinance 1903.

1903

## CHAPTER 19

An Ordinance to amend Chapter 70 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting Municipalities."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 9  
amended

1. Section 9 of *The Municipal Ordinance* is hereby amended by adding thereto the following subsection :

"(2) In the case of an election held before the preparation and revision of an assessment roll the provisions of this section requiring the candidates for election to be rated on the assessment roll shall not apply."

Section 95  
amended

2. Section 95 of the said Ordinance is hereby amended by adding thereto the following paragraph :

Disposition of  
not required  
property

"76. Disposing of or devoting to some other municipal purpose in whole or in part any property acquired by the municipality for a specific purpose when such property is in the opinion of the council no longer required or not required for the time being for the purpose for which it was originally acquired or to which it has been subsequently devoted."

New sub-  
section 2  
section 118

3. Subsection 2 of section 118 of the said Ordinance is hereby repealed and the following substituted therefor :

Income  
assessment

"(2) No person deriving an income from any source whatsoever not declared exempt by this Ordinance shall be assessed for a less sum as the amount of his net personal property than the amount of such income during the year then last past in excess of the amount of any exemption under this Ordinance and such last year's income in excess of such exemption, if any, shall be held to be his net personal property unless he has other personal property liable to assessment in which case such excess and other personal property shall be added together and constitute his personal property liable to assessment."

Section 13  
Municipal  
Amendment  
Ordinance 1901  
amended

4. Section 13 of *The Municipal Amendment Ordinance 1901* is hereby amended by adding thereto the following subsection :

"(3) The voting on the said resolution shall be held in the same manner as the voting for election of overseer."



5. Section 18 of the said last mentioned Ordinance is hereby <sup>Section 18</sup> amended by striking out all the words thereof after the word “apply” where it occurs therein.

(2) This section shall be read as if it had been passed on the first day of January 1903.

1903

## CHAPTER 20

An Ordinance to amend Chapter 25 of the Ordinances of 1901 intituled "An Ordinance respecting Villages."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

New sub-  
section (i)

1. Paragraph (i) of section 16 of *The Village Ordinance* is hereby repealed and the following substituted therefor :

"(i) Remuneration of overseer and any other officials employed under authority of this Ordinance."

Section 22  
amended

2. Section 22 of the said Ordinance is hereby amended by adding thereto the following paragraph :

"(11) Buildings used for hospital purposes and not for any other purpose for hire or reward by any institution now or hereafter designated by the Lieutenant Governor in Council to receive public aid under the terms and provisions of *The Hospitals Ordinance* and the lot or lots whereon they stand not exceeding two acres except such parts as may have any other buildings thereon."

Section 33  
amended

3. Section 33 of the said Ordinance is hereby amended by adding thereto the following subsection :

"(3) No person occupying premises in any village who has not resided continuously in such village for a period of at least three months and who has not been or is not liable to be entered on the assessment roll for the village for the then current year shall offer goods or merchandise of any description for sale by auction or in any other manner without first having paid to the overseer the sum of \$25 to form part of the village fund."

Section 36  
amended

4. Section 36 of the said Ordinance is hereby amended by adding thereto the following subsection :

"(5) In the event of any village that has adopted the system of assessment provided for in this section desiring to revert to the original assessment of all property in the village it may do so in the same manner and subject to the same conditions as is in this section provided for the adoption of the system of assessment of land only."

5. Section 40 of the said Ordinance is hereby amended by Section 40 amended adding thereto the following subsection :

“(4) On petition of a majority of the resident ratepayers the signatures to which petition shall be verified by statutory declaration the commissioner may authorise the overseer on behalf of the village to enter into a contract with any person or corporation for the supply of water to the village by means of irrigation canals or otherwise in such quantities and upon such terms as in the petition set out and for the purpose of handling and distributing such water to employ a watermaster who shall be under the direction of and responsible to the overseer for the time being.”

6. Section 57 of the said Ordinance is hereby amended by Section 57 amended adding thereto the following subsection :

“(2) The remuneration of any watermaster employed under the provisions of this Ordinance shall also be fixed at the annual meeting, but in the event of his employment being authorised by the commissioner in any year subsequent to the annual meeting, the remuneration of the watermaster for the balance of such year shall be fixed by the overseer with the approval of the commissioner.”

1903

## CHAPTER 21

An Ordinance to amend Chapter 30 of the Ordinances of 1901, intituled "An Ordinance respecting Assessment and Taxation in School Districts.

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Section 10 of *The School Assessment Ordinance* is hereby amended by adding thereto the following subsections:

Correction of  
error in roll

"(5) If at any time within two months after the posting of the roll it is discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the roll the board may direct the secretary to enter the name of such person on the roll or correct the error.

Notice to  
person  
affected

"(6) In the event of any addition to or alteration or correction of the roll under the next preceding subsection without the knowledge and consent of the person affected a notice as required by subsection (2) shall be sent to such person and for the purposes of this and the next following section the date of mailing such notice shall as respects him be deemed to be the date of posting the roll."

Section 11  
amended

2. Section 11 of the said Ordinance is hereby amended by adding thereto the following subsection:

Appeal to,  
Judge

"(5) An appeal shall lie from the decision of the justice of the peace to a judge of the Supreme Court and for the purpose of such appeal the provisions of section 41 shall apply."

Section 13  
amended

3. Section 13 of the said Ordinance is hereby amended by adding thereto the following subsection:

Minimum tax

"(2) In the event of the total tax of any person being less than \$2 under this section the tax to be entered on the roll and payable by him shall be the said sum of \$2."

Section 14  
amended

4. Section 14 of the said Ordinance is hereby amended by adding thereto the following subsection:

Rebate in  
taxes

"(4) The board may by resolution allow a rebate not to exceed ten per cent. upon all taxes paid within thirty days after such taxes have become payable."



5. Section 15 of the said Ordinance is hereby amended by adding thereto the following words "and shall bear interest at the rate of six per cent. per annum from the 31st day of December of the year in which they are imposed." Section 15 amended  
Interest on arrears

(2) This amendment shall apply in respect of taxes imposed before as well as after the passing of this Ordinance.

6. Section 89 of the said Ordinance is hereby amended by adding thereto the following subsection: Section 89 amended

"(3) In the event of a town district being situate partly within a town municipality and partly within a rural municipality for the purposes of this section the portion within the rural municipality shall be deemed to be within the town municipality." Portion of town district outside to be deemed within town municipality

(2) Any assessment heretofore made by any town municipality of any portion of the town district situate within a rural municipality shall be as valid as if made after the passing of this Ordinance.

7. Section 95 of the said Ordinance is hereby amended by striking out the words "Lieutenant Governor in Council" where they occur therein and substituting therefor the words "Commissioner of Education." Section 95 amended

1903

## CHAPTER 22

An Ordinance to amend Chapter 22 of The Ordinances of 1900 intituled, "An Ordinance respecting Brands."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 2  
amended

1. Section 2 of *The Brand Ordinance* is hereby amended by adding thereto the following paragraph :

"Character"

"10. The expression 'character' means any sign, letter or numeral."

Section 4  
amended

2. Section 4 of the said Ordinance is hereby repealed and the following substituted therefor :

Form of  
brands

"4. Every brand for cattle allotted for the hip or thigh, for the ribs and for the shoulder or top of arm, shall consist of three characters and the shape and pattern of such characters and the arrangement thereof shall be fixed and determined by the commissioner."

1903

## CHAPTER 23

### An Ordinance to Protect Horse Breeders in the North-West Territories.

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Horse Breeders' Ordinance*." 1899, c. 20, s. 1.

#### INTERPRETATION.

2. The expression "Commissioner" means the Commissioner of Agriculture ;

The expression "Department" means the Department of Agriculture ;

The expression "owner" includes a part owner.

3. Every person, firm or company standing or travelling any stallion for profit or gain in the North-West Territories shall cause the name, description and pedigree of such stallion to be enrolled in the department and shall procure a certificate of such enrolment as hereafter provided.

Registration  
of stallions

(2) No fee shall be required for such enrolment and certificate for any stallion registered under the provisions of chapter 20 of the Ordinances of 1899 but in all other cases there shall be paid for such enrolment and certificate a fee of \$2.

(3) Upon a transfer of the ownership of any stallion enrolled under this section the certificate of enrolment may be transferred to the transferee by the commissioner upon proof to his satisfaction of such transfer and upon payment of the fee of \$1. 1899 c. 20, s. 2.

4. The owner of any stallion shall post up and keep affixed during the whole of the season copies of the certificate of such stallion issued under the next preceding section in a conspicuous place both within and upon the outside of the main door leading into every stable or building where the said stallion stands regularly for public service.

Copies of  
certificate of  
registration to  
be posted up

5. The certificate issued for a stallion whose sire and dam are of pure breeding and which is registered in a stud book

Certificate  
of pure bred  
stallion

approved by the commissioner shall be in form A in the schedule hereto.

Certificate of  
grade stallion

6. The certificate issued for a stallion whose sire or dam is not of pure breeding shall be in form B in the schedule hereto.

Certificate of  
cross bred  
stallion

7. The certificate issued for a stallion whose sire and dam are pure bred but not of the same breed shall be in form C in the schedule hereto.

Advertise-  
ments of  
stallions

8. Every bill, poster or advertisement issued by the owner of any stallion enrolled under this Ordinance or used by him for advertising such stallion shall contain a copy of its certificate of enrolment. 1899 c. 20, s. 3.

Evidence of  
advertisement

9. The production of any bill, poster or other printed or written matter advertising any stallion for public service shall be *prima facie* evidence that such bill, poster or other advertising material was used to advertise the stallion named and described therein by or with the consent of the owner or owners of the said stallion.

#### REGISTRATION OF LIEN FOR SERVICE.

Filing  
evidence of  
claim for  
service

10. The owner of any stallion holding a certificate of enrolment for such stallion under section 5 of this Ordinance or his agent may file in the office of the registration clerk of the registration district for mortgages and other transfers of personal property in which the owner or person in charge of any mare upon which such stallion performs service resides, within twelve months after such service is performed, a statutory declaration setting forth:

1. The amount of service fee ;
2. That the same is unpaid ;
3. The fact of such service ;
4. A reasonable description of such mare ; and
5. The name and residence of the owner of such mare.

(2) For filing such statutory declaration the registration clerk shall be entitled to a fee of ten cents. 1899, c. 20, s. 4.

Effect of filing

11. The owner of such stallion upon filing such statutory declaration and complying with the provisions of this Ordinance shall have a lien for the amount of said service fee and costs as hereinafter provided upon the colt or filly the offspring of any such stallion by reason of the service in respect of which such statutory declaration is filed which lien shall take and have priority over any and all writs of execution, chattel mortgages, bills of sale, claims and encumbrances whatsoever. 1899, c. 20, s. 5.



## ENFORCEMENT OF LIEN.

**12.** If payment of the service fee is not made before the <sup>Sale of colt</sup> first day of January in the year following the year in which the colt or filly is born, the owner of said stallion or his duly authorised agent may at any time before the first day of May following take possession of the colt or filly upon which he has such lien as aforesaid wherever the same may be found and may proceed to sell the same by public auction after giving the person in whose possession the said colt or filly was when taken ten days' notice in writing of such intention to sell which notice may be effectually given to such person by delivering the same to him personally or by posting it upon the door of such person's last known place of residence in the North-West Territories. 1899, c. 20, s. 6.

**13.** The proceeds of sale shall be applied first in payment of <sup>Application of proceeds</sup> the reasonable expenses of the taking of possession, giving of notice, and conduct of sale, not in any case to exceed \$10 in all, and next in payment of said service fee, and the balance shall be paid forthwith by the owner of the stallion to the person from whose possession such colt or filly was taken. 1899, c. 20, s. 7.

**14.** Violation of any of the provisions of this Ordinance <sup>Penalties</sup> shall be an offence for which the offender shall be liable on summary conviction to a penalty not exceeding \$25.

**15.** Chapter 20 of the Ordinances of 1899 is hereby <sup>Repeal</sup> repealed.

**16.** This Ordinance shall come into force on the first day <sup>Commence-ment</sup> of January, 1904.

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## SCHEDULE.

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### FORM A.

GOVERNMENT OF THE NORTH-WEST TERRITORIES OF CANADA.  
DEPARTMENT OF AGRICULTURE.

*Certificate of Pure Bred Stallion No.*

The pedigree of the stallion (Name)  
described as follows:

(colour)

foaled in the year \_\_\_\_\_, has been examined in the department and I hereby certify that the said stallion is of pure breeding and is registered in a stud book recognised by the department.

*Commissioner of Agriculture.*

## FORM B.

GOVERNMENT OF THE NORTH-WEST TERRITORIES OF CANADA  
DEPARTMENT OF AGRICULTURE.

*Certificate of Grade Stallion No.*

The pedigree of the stallion (Name)  
described as follows :  
(colour)

foaled in the year , has been examined in the department and it is found that the said stallion is not of pure breeding and is, therefore, not eligible for registration in any stud book recognised by the department.

*Commissioner of Agriculture.*

## FORM C.

GOVERNMENT OF THE NORTH-WEST TERRITORIES OF CANADA.  
DEPARTMENT OF AGRICULTURE.

*Certificate of Cross Bred Stallion No.*

The pedigree of the stallion  
described as follows :  
(colour)

foaled in the year , has been examined in the department and it is found that his sire is registered in the  
and his dam in the

Such being the case, the said stallion is not eligible for registration in any stud book recognised by the department.

*Commissioner of Agriculture.*

1903

## CHAPTER 24

### An Ordinance respecting Noxious Weeds.

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

#### SHORT TITLE.

1. This Ordinance may be cited as "*The Noxious Weeds Ordinance*." 1899, c. 22, s. 1. Short title

#### INTERPRETATION.

2. In this Ordinance unless the context otherwise requires— Interpretation

1. The expression "noxious weeds" shall include tumbling mustard, hare's-ear mustard, common wild mustard, ball mustard, tansy mustard, wormseed mustard, false flax, shepherd's purse, stink weed, red root, Canada thistle, Russian thistle, ragweed and wild oats ;

2. The expression "Department" means the Department of Agriculture ;

3. The expression "Commissioner" means the Commissioner of Agriculture ;

4. The expression "Inspector" means an inspector appointed under this Ordinance ;

5. The expression "occupant" means a person occupying or having the right to occupy any land ;

6. The expression "owner" includes every person who has any estate or interest in land, or who has any right to be vested with such an estate or interest. 1899, c. 22, s 2 ; 1900, c. 31, s. 1.

#### INSPECTORS AND OTHER OFFICERS.

3. The commissioner may from time to time appoint such inspectors and other officers as may be required to carry out the provisions of this Ordinance, fix their remuneration and define their duties. 1899, c. 22, s. 3. Appointment of inspectors and officers

#### DUTY OF OWNER OR OCCUPANT OF LAND.

4. Every owner or occupant of land shall destroy all noxious weeds thereon, and if he makes default in so doing he Noxious weeds to be destroyed

shall be guilty of an offence, and on prosecution therefor by an overseer of the local improvement district or by an inspector or other officer under this Ordinance, shall on summary conviction thereof be liable to a penalty not exceeding \$100 and costs. 1899, c. 22, s. 4.

(2) For the purpose of this Ordinance the owner or occupant of any land adjoining a public road shall be deemed to be the owner or occupant of that portion of such road which lies between the centre line thereof and the adjoining land of which he is the owner or occupant.

#### DESTRUCTION OF WEEDS.

Weeds on  
cropped lands

**5.** Any inspector finding noxious weeds growing in any grain crop may notify the owner—

(a) To cut and burn or plough under such crop or any part thereof within a stated time, or

(b) To fence or burn the straw and screenings from such crop within ten days after it is threshed. 1899, c. 22, s. 9; 1900, c. 31, s. 3.

Notice to  
destroy weeds

**6.** Any inspector finding noxious weeds growing on occupied lands shall notify the occupant thereof to destroy such weeds within five days from the date of such notification. 1899, c. 22, s. 5 (1).

Notice to  
destroy weeds

**7.** Any inspector finding noxious weeds growing on unoccupied lands shall notify the owner by registered letter addressed to his last known address, if any, to destroy such weeds within five days from the date of such notice. 1899, c. 22, s. 5 (1).

Railway lands

**8.** Any inspector finding noxious weeds growing on railway right of way or any unoccupied lands owned by or forming part of the land grant of any railway company shall notify any section foreman or station agent of the railway company by registered letter to destroy such weeds within five days from the date of such notice. 1899, c. 22, s. 5 (2).

Lands of  
Irrigation  
Company

**9.** Any inspector finding noxious weeds growing in or upon any ditch or right of way of any irrigation company shall notify the manager, superintendent or ditch rider of such company by registered letter to destroy such weeds within five days from the date of such notice.

Penalty for  
neglecting to  
destroy weeds

**10.** Any person to whom notice has been duly given under any of the preceding sections who neglects to carry out the directions contained therein shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty not exceeding \$100 and costs. 1899, c. 22, s. 6.



**11.** In case noxious weeds are not cut down or otherwise destroyed on any land pursuant to any notice given by an inspector under this Ordinance or in case the name or address of the owner of such land is unknown, the said inspector or any person or persons directed by him, may forthwith enter upon the land with the necessary teams and implements and destroy such weeds in such manner as the inspector may see fit. 1899, c. 22, s. 7.

Procedure where notice disregarded or cannot be given

**12.** The amounts expended in the work performed under the next preceding section may be recovered from the owner or the occupant of the land by action in the name of the Attorney General or the inspector or by distress by the inspector or his agent of any chattels on the land. 1899, c. 22, s. 8 (2).

Recovery of costs of destruction

**13.** Any such amount which has not been satisfied on or before the 1st day of January next following its expenditure shall be added to and form part of the local improvement assessment of such lands in all respects as if it were an original tax and it shall have the same effect on the land and may be recovered in any of the modes available for the recovery of such taxes and the amount so recovered shall be transmitted to the Territorial Treasurer and form part of the general revenue fund of the Territories. 1899, c. 22, s. 8 (2); 1900, c. 31, s. 2.

Amounts unpaid to be added to local improvement assessment

**14.** Upon the overseer of a local improvement district receiving notice from the commissioner of any amount to be charged under the next preceding section against any parcel of land in his district he shall enter the said amount against the said land and until it is paid enter it in all returns to be made by him in the same manner as unpaid local improvement assessments.

Overseer to enter amount against land

**15.** A certificate purporting to be signed by the commissioner to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described shall be *prima facie* evidence that the amount named has been so expended.

Certificate of commissioner to be prima facie evidence

#### SALE OR DISPOSAL OF GRAIN, ETC., CONTAINING WEED SEED.

**16.** No person shall sell or dispose of, or offer for sale or disposal any grain, grass, clover or other seeds intended for the purpose of seed in which there is seed of any noxious weed. 1899, c. 22, s. 10.

Sale, etc., of seed containing weed seed

**17.** No person shall purchase or sell, barter or otherwise dispose of or remove from any premises any bran, shorts, chopped or crushed grain or cleanings containing seeds of noxious weeds without first destroying the germinating qualities of such seeds:

Sale, purchase etc., of cleanings, containing weed seed

Provided that matter containing seeds of noxious weeds may be removed from any grain elevator or warehouse for the purpose of sheep feeding or for such other purposes as will insure the complete destruction of the said seeds, under the authority of and subject to such regulations as may be prescribed by the Lieutenant Governor in Council from time to time which regulations shall be published in the official gazette. 1899, c. 22, s. 11; 1900, c. 31, s. 4.

Mills,  
elevators, etc.

**18.** No person shall place outside any mill, elevator or grain warehouse, except in a securely constructed building, shed or covered bin, any matter containing the seeds of noxious weeds without having first destroyed the germinating qualities of such seeds. 1899, c. 22, s. 12.

#### THRESHING MACHINES TO BE CLEANED BEFORE REMOVAL.

Threshing  
machines

**19.** Every person in possession or charge of any threshing machine shall thoroughly clean out such machine immediately after threshing at each place and before removing such machine or any part thereof to another place, and shall display in a prominent place upon his machine a card containing this provision, which will be furnished free upon application to the department. 1899, c. 22, s. 13.

#### PENALTIES.

Neglect of  
duty by  
inspector

**20.** Every inspector or other officer who neglects to perform any duty placed upon him by this Ordinance shall in respect of each instance of neglect be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$25 and costs. 1899, c. 22, s. 14.

Violation of  
Ordinance

**21.** Violation of any provision of this Ordinance for which no penalty is provided shall be an offence and the offender shall on summary conviction be liable to a penalty not exceeding \$50 and costs. 1899, c. 22, s. 15.

Repeal

**22.** Chapter 22 of the Ordinances of 1899 and chapter 31 of the Ordinances of 1900 are hereby repealed.

1903

## CHAPTER 25

An Ordinance to amend Chapter 87 of The Consolidated Ordinances 1898 intituled, "An Ordinance for the Prevention of Prairie and Forest Fires."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 2 of *The Prairie Fires Ordinance* is hereby amended by adding thereto the following subsection: Section amended

"(2) If a fire shall be caused by the escape of sparks or any other matter from any engine or other thing it shall be deemed to have been kindled by the person in charge or who should be in charge of such engine or other thing but such person or his employer shall not be liable to the penalties imposed by this section if in the case of stationary engines the precautions required by section 12 have been complied with and there has been no negligence in any other respect or in the case of railway or other locomotive engines such engine is equipped with a suitable smoke stack netting and ash pan netting in good repair and kept closed and in proper place and in the case of railway engines where the line of railway passes through prairie country there is maintained for a distance of at least three miles continuously in each direction from the point at which the fire starts on each side of such line of railway and not less than two hundred nor more than four hundred feet therefrom a good and sufficient fireguard of ploughed land not less than sixteen feet in width kept free from weeds and other inflammable matter and the space between such fireguard and such line of railway is kept burned or otherwise freed from the danger of spreading fire and there has been no negligence in any other respect."

1903

## CHAPTER 26

An Ordinance further to amend Chapter 89 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting the Sale of Intoxicating Liquors and the Issue of Licences therefor."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 13  
amended

**1.** Section 13 of *The Liquor Licence Ordinance* is hereby amended by adding thereto the following subsections:

Each member  
of firm liable

(3) Each member of a licensed partnership shall be liable to the penalties imposed against licensees for breach of the provisions of this Ordinance.

Effect of con-  
viction against  
member of  
firm

(4) For the purposes of the consequences of any conviction under this Ordinance a conviction against any person who is a member of a licensed partnership whether made while he is a member of such partnership or prior thereto shall have the same effect as if such conviction had been against each member of the said partnership.

No licence to  
member of  
firm

(5) No licence shall be granted in the name of one member only of a partnership and any licence so granted shall be void.

Section 15  
repealed

**2.** Section 15 of *The Liquor Licence Ordinance* is hereby repealed.

New section 23

**3.** Section 23 of the said Ordinance is hereby repealed and the following substituted therefor:

No licence to  
married  
women

"**23.** No licence shall be granted to any married woman who is not a licensee at the time of the coming into force of this Ordinance."

New section 24

**4.** Section 24 of the said Ordinance is hereby repealed and the following substituted therefor:

Hotel  
accommoda-  
tion

"**24.** Every licensed hotel shall contain in addition to what is required for the use of the licensee, his family and servants the number of bedrooms following, that is to say:

"(a) In cities and towns at least twenty;

"(b) In villages at least ten;

and in every case a suitable complement of bedding and furniture.



“(2) Every licensed hotel shall have two public sitting rooms separate and distinct from the bar room.

“(3) The foregoing subsections shall not apply in the case of hotels for which a licence is in force or recommended by the board of licence commissioners at the passing of this Ordinance until the first day of July, 1905, the provisions of the first and second subsections of the said repealed section 24 remaining in force in respect of such hotels until the said first day of July, 1905.

“(4) Every licensed hotel shall be provided with suitable and sufficient appointments and appliances for serving meals daily to travellers.

“(5) Every licensed hotel shall be provided with suitable privies to be approved by the inspector which shall at all times be kept clean and ventilated.

“(6) The premises, furniture, bedding and other appointments of every licensed hotel shall at all times be kept clean.

“(7) The non-observance of any of the provisions of this section shall be deemed to be a violation by the licensee of such provisions.”

**5.** Subsection (3) of section 37 of the said Ordinance is hereby repealed and the following substituted therefor: Section 37 amended

“(3) After the first day of July, 1903, no application for a new licence and after the first day of July, 1904, no application for a renewal licence shall be entertained in respect of any hotel or wholesale premises not situate in some city, town or village, or some place containing not less than fifteen dwelling houses within an area not greater than 1,280 acres.”

**6.** Section 46 of the said Ordinance is hereby amended Section 46 amended by adding thereto the following subsection:

“(4) Any village which has appointed an inspector under the provisions of section 11 of this Ordinance may by resolution passed at the annual meeting or any special meeting called for that purpose require each licensee to pay to the overseer for the use of the village a licence fee not exceeding fifty dollars which fee shall be paid and a receipt given therefor and the same forwarded to the Attorney General before the licence is issued by him but until the Attorney General has been furnished with a certified copy of the resolution appointing a licence inspector and the resolution fixing a licence fee such last mentioned resolution shall not be deemed to be effective.” Village licence fee

**7.** Subsection 2 of section 64 of the said Ordinance is hereby amended by striking out the words “or any other Ordinance of the Legislature of the Territories” where they occur therein. Subsection 2 section 64 amended

Subsection 4  
Section 64  
amended

**8.** Subsection (4) of section 64 of the said Ordinance is hereby amended by adding thereto the following words, "and the presence in the bar room of any person not a member of the licensee's family or a regular employee of the licensee shall be *prima facie* evidence of the keeping open of such bar room."

Section 64  
further  
amended

**9.** Section 64 of the said Ordinance is hereby further amended by adding thereto the following subsection:

"(6) The sale or other disposal of liquor by a licensee at any *bona fide* banquet or supper being held in his licensed premises to any person in actual attendance at such banquet or supper at any time before one o'clock a.m. shall not be deemed to be a violation of the provisions of this section provided the said licensee has obtained the written permission of a licence commissioner for the licence district in which his licensed premises are situate for such sale or other disposal."

Section 67  
amended

**10.** Section 67 of the said Ordinance is hereby amended by adding thereto the following subsection:

"(2) No musical instrument, dancing or other form of attraction shall be permitted in such bar room."

Subsection 1  
section 78  
amended

**11.** Subsection 1 of section 78 of the said Ordinance is hereby amended by inserting between the words "one" and "gallon" where they occur therein the word "half."

New section 82

**12.** Section 82 of the said Ordinance as amended by section 12 of chapter 33 of 1901 is hereby repealed and the following substituted therefor:

Penalty for  
breach  
section 64

"**82.** Violation of any of the provisions of subsections (1), (2) and (4) of section 64 hereof shall be an offence for which the person violating shall be liable on summary conviction:

"For the first offence to a penalty of not less than \$50 nor more than \$100 and in default of payment forthwith after conviction to not less than two months' nor more than four months' imprisonment;

"For the second or any subsequent offence to a penalty of not less than \$100 nor more than \$200 with absolute forfeiture of licence and in default of payment forthwith after conviction to not less than four months' nor more than six months' imprisonment with absolute forfeiture of licence or to imprisonment for not less than one month nor more than six months with absolute forfeiture of licence or to both fine and imprisonment with absolute forfeiture of licence."

New section 85

**13.** Section 85 of the said Ordinance is hereby repealed and the following substituted therefor:

"85. Any person who sells or barter liquor of any kind without the licence therefor by law required shall be guilty of an offence and on summary conviction thereof shall be liable Penalty for selling liquor without licence

"For the first offence to a penalty of not less than \$50 nor more than \$250 and in default of payment forthwith after conviction to not less than two months' nor more than six months' imprisonment ;

"For a second offence to a penalty of not less than \$200 nor more than \$500 and in default of payment forthwith after conviction to not less than three months' nor more than twelve months' imprisonment or to imprisonment for not less than three months nor more than twelve months, or to both fine and imprisonment;

"For a third or subsequent offence to a penalty of not less than \$500 nor more than \$1,000 and in default of payment forthwith after conviction to not less than nine months' nor more than two years' imprisonment and to imprisonment for not less than six months nor more than two years."

14. Paragraph 2 of section 105 of the said Ordinance is hereby repealed and the following substituted therefor : Section 105 amended

"2. Such previous conviction may be proved *prima facie* by the production of a certificate purporting to be under the hand of a convicting justice or the clerk of the court to whose office the conviction has been returned or the Attorney General without proof of signature or official character and without proof of identity of the person charged with the person named in such certificate." Proof of previous conviction

15. Section 125 of the said Ordinance is hereby amended by adding thereto the following proviso : Section 125 amended

"Provided that the Lieutenant Governor may by proclamation declare the provisions of the said sections 92 to 100 to be in force from a day to be mentioned in said proclamation in any part of that portion of the Territories specified in this section and thereupon the provisions of the said sections 92 to 100 shall be deemed to be re-enacted from the day so mentioned in respect of that part of the Territories specified in the said proclamation." Proclamation to bring into effect prohibitory clauses of N.W.T. Act

16. Subsection 3 of section 20 of chapter 33 of the Ordinances of 1901 is hereby amended by striking out the figures "100" where they occur therein and substituting therefor the figures "210." Subsection 3 section 20, chapter 33 of 1901 amended

17. Sections 81 and 85 of the said Ordinance shall not prevent any brewer, distiller or other person duly licensed by the Government of Canada for the manufacture of spirituous, fermented or other liquors from keeping or selling in such quantities as are hereby authorised any liquor manufactured by him provided the building in which such liquors are kept Brewers and distillers licences

forms no part and does not communicate by any entrance with any shop or premises wherein any article authorised to be manufactured under such license is sold by retail, or wherein is kept any broken package of such articles, and provided also that such brewer, distiller or other person has applied for and obtained a licence to sell by wholesale in the quantities hereinafter specified.

Quantities  
that may be  
sold

(2) The licences granted under this section shall authorise the sale of liquor in quantities of not less than three gallons in each cask or vessel at any time or where such sale is in respect of bottled liquor in quantities of not less than one dozen bottles of at least three half pints each or two dozen bottles of at least three-fourths of one pint each, at any one time.

(3) The provisions of said Ordinance as to applications for licences and the proceedings thereon shall not apply to licences granted under this section.

(4) Such licence shall expire on the thirtieth day of June in each year and the fee payable therefor shall be \$210 or a proportionate part thereof.

Amendment  
of information

**18.** In any prosecution for the violation of any of the provisions of the said Ordinance in the event of any variance between the information and the evidence adduced in support thereof the justice or justices hearing the case may amend such information and may substitute for the offence charged therein any other offence against the provisions of said Ordinance, but if it appears that the person charged has been materially misled by such variance he shall be granted an adjournment of the hearing if he applies therefor.



1903

## CHAPTER 27

An Ordinance to amend Ordinance No. 33 of 1893, intituled "An Ordinance to incorporate the City of Calgary" and amending Ordinances.

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section two of Ordinance No. 33 of 1893 as amended by chapter 40 of the Ordinances of 1901 is hereby further amended by adding thereto the words following: Section 2 amended

"And all that portion of the N.E.  $\frac{1}{4}$  of section 11 in township 24 range 1, west of the fifth meridian in the District of Alberta, now owned by the City of Calgary and the road allowances or streets laid out on the north and west sides of such quarter section are declared to be within the limits of the City of Calgary for all purposes notwithstanding anything herein contained and the limits of the said city are hereby extended accordingly."

2. Section 4 of Ordinance No. 33 of 1893 is hereby amended by adding thereto the following words: Section 4 amended

"And the Mayor of the city shall during his term of office be *ex-officio* a justice of the peace."

3. Section 7 of Ordinance No. 35 of 1893 is hereby amended by inserting after the word "nomination" in the eighth line thereof the following: Section 7 amended

"And with such statement shall be filed the following oath or affirmation subscribed and sworn (or affirmed) before some person authorised to administer oaths within the Territories:

"I (*name of candidate*) swear (or affirm) that I am a male British subject of the full age of 21 years; that I reside or have my chief place of business within the City of Calgary; that I am not disqualified from being elected as (mayor or alderman, *as the case may be*) of the City of Calgary under the provisions of Ordinance No. 33 of 1893 of the North-West Territories, being the charter of the City of Calgary, or amending Ordinances; and that I am assessed on the last revised assessment roll of the city for.....dollars for real estate, or for.....dollars for personal estate (*as the case may be*) and that I now am the owner of real estate in the said city to the amount of at least one thousand dollars, over and above the amount of all incumbrances thereon, or am the

owner in my own right of personal estate to the value of at least two thousand dollars over and above the amount of all incumbrances thereon."

"Subscribed and sworn by the said (*name of candidate*) at .....in the North-West Territories, this. .... day of.....190., before me (*A Commissioner, J.P., or Notary.*)

Section 38  
amended

4. Subsection nine of section 38 is hereby amended by striking out the words "five hundred" and inserting in lieu thereof the words "one thousand".

Section 39  
amended

5. Subsection seven of section 39 is hereby amended by striking out the words "or whose taxes do not amount to two dollars shall be taxed two dollars yearly," and inserting in lieu thereof the words "shall be taxed three dollars yearly," and by inserting after the word "roll" in the 5th line thereof the words, "to the amount of \$150 or more."

Section 117  
amended

6. Subsection twenty-nine of section 117 of Ordinance No. 33 of 1893 is hereby amended by inserting after the word "closets" in the 14th line thereof the words "privies or privy vaults," and by inserting after the word "sewer" in the 15th line "and for removing said privies, privy vaults, or water closets and filling them up, or the city may connect the said privies, privy vaults and water closets with the sewer and charge the costs thereof against the lots on which the said privies, closets or privy vaults are situate, and in case the owner or his agent refuses to pay said cost after demand, the same may be added to the taxes on said lots and collected in any way in which other city taxes may be collected, including the sale of the lots as for arrears of taxes, and for all or any such purposes the city by its agents, servants or workmen shall have power to enter into and upon the land on which the said closets, privies, privy vaults are situate, or sewer connections are to be laid, and do the work necessary to be done, doing no unnecessary damage."

Section 117  
further  
amended

7. Clause two of subsection 56, of section 117, is hereby amended by adding thereto the following words:

"And the city shall also have power to appoint a commissioner or commissioners for carrying on any department or subdepartment of the city's business, and may fix their salaries, and provide regulations for their guidance, and the said commissioners shall have the same rights and powers as herein before conferred on the commissioners first named herein."

Section 117  
further  
amended.

8. Section 117, of Ordinance No. 33, of 1893, is amended by adding thereto as subsection 83 the following subsection:

(83a) To permit areas or openings to be constructed in or under sidewalks and streets of the municipality, and may authorise the continuance of any such areas constructed prior to July 1st, 1902, and may make an annual charge for such privilege and for the use of the areas or openings theretofore constructed,

of such sums as the council may think reasonable and may enforce the payment of the said sums in a like manner as city taxes, including the sale of the land adjacent to the said areas or openings in connection with which the same are used or are appurtenant.

(b) Neither this section nor any permission or privilege in respect of such areas or openings granted by the corporation under this section shall interfere with any liability created or existing under the provisions of this Ordinance, nor with the remedies over provided by section 144 of this Ordinance, nor shall this section or such privilege create any vested right in any such area or opening or the space occupied thereby, and the city may also make bylaws regulating the use of such areas or openings and for the closing or discontinuing the use of the same and filling them in.

**9.** Section 14 of chapter 40 of the Ordinances of 1901, is hereby amended by adding to the first clause of said section the following: Section 14  
c. 40 of 1901  
amended.

“And any water rates in arrears may be added to the taxes assessed against the real property to which the water has been supplied and may be collected in any of the ways provided by this Ordinance for the collection of taxes including the sale of said property as for arrears of taxes.”

**10.** Subclauses 1 and 2 of section 1 of chapter 26 of the Ordinances of 1899, are hereby repealed and section 6 of Ordinance No. 33, of 1893, altered to section 6*a* by chapter 26 of the Ordinances of 1899, is hereby numbered “6.” Section 1  
c. 26 of 1899  
amended

**11.** Bylaw No. 492, being a bylaw to authorise and empower the mayor and clerk of the City of Calgary to execute an agreement with John S. Hall for the establishment of a stock market, &c., and the agreement referred to therein between the City of Calgary and the said John S. Hall are hereby ratified and confirmed and the city is hereby authorised and empowered to make all bylaws, rules and regulations, not contrary to law, or the terms and provisions of the said agreement, for carrying out and enforcing the said agreement, or necessary or expedient for the operation or control of the said stock market, stock yards, and the premises occupied therewith, and also to vary or otherwise change the said agreement from time to time as may be agreed between the parties thereto, and the lands mentioned and described in said agreement for the purpose of a stock market, &c., are hereby declared to be within the limits of the City of Calgary. Bylaw No. 492  
ratified.

**12.** Section 117 of Ordinance No. 33 of 1893, is amended by adding thereto the following subsections: Section 117  
further  
amended.

“(84) For defining the class, nature, dimensions and quality of all buildings to be hereafter erected or placed on or along

any of the streets, lanes, or public places, or parts of streets, lanes or public places within the city and the distance from the street boundary at which the front of such buildings may be erected.

“(85) Purchasing stock in any incorporated company carrying on or formed for the purpose of carrying on swimming baths in the city.”



1903

## CHAPTER 28

### An Ordinance to incorporate the City of Regina.

[Assented to June 19, 1903.]

WHEREAS the Mayor and Council of the Corporation of the Municipality of the Town of Regina have by their petition prayed that the name of the said corporation be changed to "The City of Regina," and that municipal powers be granted to "The City of Regina," and, it is expedient to grant the prayer of the said petition :

Preamble

THEREFORE the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. From and after the passing of this Ordinance, the inhabitants of the City of Regina as hereinafter described and their successors shall be and are hereby declared to be a body corporate within the meaning of *The Municipal Ordinance* :

City of Regina  
incorporated

Provided that the corporation of the municipality of the Town of Regina shall not be deemed to be dissolved by this Ordinance but the same shall always be deemed to be the same corporation as that known hereunder as "The City of Regina."

And provided further that the said corporation of the City of Regina shall not by virtue of this Ordinance be relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing or due to any person, persons or corporations by reason of, or by virtue of any Act, Statute, Law or Ordinance, contract or proceeding heretofore passed, existing or in force ; and providing also that the change of name of the said corporation shall not affect or cause the abatement of any action or proceeding to which the corporation of the municipality of the Town of Regina is a party, but the same shall be continued as if this Ordinance had not been passed, and any judgment, order or proceeding therein shall have the same effect in favour of or against the corporation by the name of "The City of Regina," as if such had heretofore been the name of the corporation, and the corporation had always been a party to such action, suit or proceeding by the name of "The City of Regina," and the said corporation under the name of "The City of Regina" shall be entitled to and is hereby vested with all the rights and privileges, real and personal property, and assets of all kinds and descriptions belonging to the corporation of the municipality of the Town of Regina with full power and authority to deal with same in all respects as though acquired under the name of "The City of Regina."

Area of city

**2.** The City of Regina shall consist of the following land, namely: Section nineteen (19) and the south half (s.½) of section thirty (30) in township seventeen (17) in range nineteen (19) west of the second meridian in the North-West Territories and section twenty-four (24) and the south half (s.½) of section twenty-five (25) in said township seventeen (17) in range twenty (20) west of the said second meridian in the said Territories.

Application of  
Municipal  
Ordinance

**3.** *The Municipal Ordinance* and all amendments thereto or hereafter made shall, in so far as the same are applicable, be incorporated herewith and form part of this Ordinance as fully as though the said Ordinance and all amendments thereto had in the first instance been made applicable to cities, the word "town" for the purpose of this Ordinance being deemed to include the word "city."

Alderman

**4.** From and after the passing of this Ordinance the councillors of the said City of Regina shall be known as "Aldermen," and shall continue their present term of office, and henceforth for the purposes of this Ordinance any reference to the members of a council shall be by way of the word "Aldermen."

Bylaws  
affecting  
highways

**5.** The council of the City of Regina may pass bylaws for closing and selling or leasing any public highway the fee whereof is not vested in the Crown, provided that no such bylaw shall be passed unless at least two weeks' notice of the intention of the council to pass the same be served upon the persons registered or assessed as the owners of the lands abutting upon the portion of the highway so proposed to be closed and sold or leased, and be published in at least two weekly issues of a newspaper published in the city previous to the passing of the bylaw; nor until any person who claims that his land will be prejudicially affected thereby and petitions to be heard has been afforded an opportunity to be heard by himself or his agent in relation to the proposed bylaw; and any such person so claiming, petitioning and appearing shall be compensated for all damage to his land which he shall sustain by the passing of the bylaw.

New Part VI  
of The  
Municipal  
Ordinance

**6.** In so far as the same refers to the corporation of the City of Regina Part VI of *The Municipal Ordinance* is hereby repealed and the following substituted therefor:

## PART VI.

### LOCAL IMPROVEMENTS AND ASSESSMENTS.

"Local  
improvement"

**231.** The term "local improvement" shall be taken to mean:

- (a) The opening, widening, straightening, extending, grading, levelling, macadamising, paving or planking of any street or public land, alley, way or place;

- (b) Or the constructing of any sidewalk, bridge, culvert or embankment forming part of a highway ;
- (c) Or the curbing, sodding or planking of any street or public lane, alley, square or other public place ;
- (d) Or the making, deepening, enlarging or prolonging of any common ditch, drain or sewer, or the reconstructing but not the mere repair and maintenance of any of the said works.

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made, according to the number of lineal feet measured along the front or other abutting portion of the said several lands of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvement is to be made.

- (a) Provided that where the local improvement abuts on several parcels of land, some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots, or being of different size or shape from the other parcels of land abutting on the local improvement, such exceptional parcels of lands may be assessed as having a smaller or larger number of feet abutting thereon than they actually have, so that each parcel of land abutting on the local improvement bear a fair, just and equitable proportion of the cost of the improvement ; and
- (b) Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor, a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or parcel or parcels of land fronting or abutting thereon or to the absence of buildings thereon, such sewer would not have been carried along such street or place except as a means of affording an outlet as aforesaid, such lot or lots, parcel or parcels of land, shall be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances.

(3) The term "special local benefit assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of a local improvement, whether or not, such land abuts on the street or place whereon or wherein such local

improvement is made, as is increased or is likely to be increased in market value or is otherwise benefited by reason of the local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment, as bears a fair, just and equitable proportion, having regard to all other parcels of land benefited by the local improvement, to such total charge.

"Cost"

(4) The term "cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising moneys to pay the cost thereof, including discounts and interests.

Waterworks  
or sewer  
extensions

(5) Where a system of waterworks or sewers has been established by the corporation the cost of extensions thereof from time to time shall be borne by the corporation at large and by the lots or parcels of land fronting or abutting on the street or place whereon or wherein the extension runs in the same proportions as nearly as the circumstances will admit as obtained in the case of the original establishment of the system.

Special  
frontage  
assessment  
and special  
local benefit  
assessment

**232.** The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall, with interest at a rate not exceeding six per cent. per annum, be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period; and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable, and shall be payable in the same manner and collectable in the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general civic taxes; provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land, together with interest and penalties chargeable in respect thereof, less any amounts previously paid on account thereof.

Bylaws

**233.** The council of the City of Regina may pass bylaws:

- (a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment, or by special local benefit assessment, and what



portion, if any, shall be borne by the corporation at large, and, in the case of special frontage assessment, what lands shall be assessed in an exceptional mode as hereinbefore provided, and the mode to be adopted and, in the case of special local benefit assessment, in what proportions the assessment is to be borne by the several lands affected; and of assessing a cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment.

And it is hereby declared that a bylaw or bylaws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special bylaw in each particular instance.

- (b) For borrowing, by the issue of debentures, upon the credit of the corporation at large, the moneys required to meet the whole or any part of the cost of any local improvement, provided (1) that bylaws for the purpose of raising moneys in respect of local improvement may be passed, comprising either the whole or any part of the amount of the entire cost thereof, although a portion thereof is to be borne by the corporation at large and a portion is to be payable by special assessment, or comprising the whole or a part of any portion of that part of the cost which is to be borne by the corporation at large, or of that part of the cost which is to be payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of ratepayers to the passing of any bylaw for raising such portion of the cost of a local improvement as is, or is to be levied by special assessment nor of any bylaw for raising such portion of the costs as is to be borne by the corporation at large of an extension of a civic system of sewerage originally constructed as a local improvement or of any other local improvement, unless in the case of such other local improvement the share of the cost to be borne by the corporation at large shall be greater than can be properly paid out of the current revenue of the corporation for the current year, and (4) that nothing herein contained shall be construed as authorising an extension of the general debt of the corporation beyond the limits thereof fixed by this Ordinance.
- (c) For borrowing by way of temporary loans within the restrictions aforesaid on the credit of the corporation at large the whole or any part of the cost of a local improvement.

And it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured

by special assessments therefor form no part of the general debt of the corporation within the meaning of this Ordinance ; and it shall not be necessary to recite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money on the credit of the corporation as aforesaid, but it shall be sufficient to state in any such bylaw that the amount of the general debt of the corporation as therein set forth is exclusive of local improvement debts secured by special assessments.

Petition or  
notice  
required

**234.** No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice as hereinafter provided.

1. (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is made, or of lands to be benefited by the local improvement, as the case may be, and representing at least one half in value of such lands, excluding improvements thereon, as the same are valued upon the last revised assessment roll, the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be, and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition.
- (b) The request of the petition may be acceded to by the council of the current or next succeeding year, either in respect of the whole or of a part ; provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed, having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made
2. (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid, unless the majority of the owners of the lands to be affected representing at least one-half in value thereof as aforesaid, petition the council against the same within two weeks after the last publication of notice of the intention of the council to undertake the local improvement, such notice to be inserted once in each week for two weeks in at least one newspaper published in the corporation.
- (b) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement

being presented to the council, no second notice for the same shall be given by the council within the then current calendar year.

- (c) When notice of a proposed local improvement to be paid for by special assessment, as a local improvement, has been given by the corporation and no petition sufficiently signed as aforesaid has, within the time limited in that behalf, been presented to the council against such local improvement or assessment, it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

**235.** Any local improvement may, in the discretion of the council, be undertaken either before or after the cost thereof shall have been ascertained and finally determined as aforesaid unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained. May be undertaken before cost ascertained

**236.** If in any case the first assessment for any local improvement proves insufficient or invalid, an additional or new assessment or assessments may be made until sufficient moneys have been realised to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded ratably to those by whom it was paid. Insufficient or excessive assessment

**237.** There shall be a right of appeal against every assessment made under the authority of any bylaw passed under this part of this Ordinance to a court of revision to be composed of the mayor and council of the corporation, and from such court of revision to a judge in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment. Appeal from assessment

**238.** Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby, either personally or by registered letter addressed to the last post office address of the owner and the notice shall set forth: Notice of assessment

- (a) A description in general terms of the local improvement;
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of local improvement;
- (d) The portion, if any, of the cost to be borne by the corporation at large;
- (e) The portion of the cost to be provided by special assessment; and the system of special assessment under which the special assessment is proposed to be made;

- (f) The time fixed for the sittings of the court of revision for the hearing of appeals in respect of the special assessment ; such sittings not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

Evidence of  
notice

**239.** A memorandum by the assessor in any proper book or roll kept for that purpose of the mailing of such notices and of the date thereof shall be *prima facie* evidence of the mailing of such notices, in accordance with the last preceding section, on the date mentioned in the memorandum.

Assessment  
valid unless  
application  
made to  
quash

**240.** No assessment under the provisions of this part of this Ordinance shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends unless an application to quash the same shall have been made in accordance with the provisions of section 268 of this Ordinance and before the date fixed for the sittings of the court of revision.

Decision of  
court of  
revision

**241.** The decision of the court of revision, or of the judge if there be an appeal from the court of revision, shall be final and conclusive upon all matters respecting the assessment and special rate and the court of revision and the judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Contents of  
bylaw

**242.** Every bylaw for borrowing money for local improvements by the issue of debentures shall recite or otherwise state :

1. The amount of the debt which such bylaw is intended to create and the object in general terms for which it is to be created :

2. The total amount required to be raised annually for paying the debt and interest under this bylaw and whether the whole or if not what portion thereof is payable by way of special assessment and the system of special assessment applicable ;

3. The total value of the land charged with the special assessment, and if any portion of the debt created by such bylaw is to be borne by the corporation at large the value of the whole ratable property of the corporation according to the last revised assessment roll ;

4. That the debt is contracted on the credit and security of the corporation at large, but as to so much as is not to be paid by the corporation at large the corporation is to collect the same only by way of special assessment as aforesaid.



7. For the purposes of this Ordinance section 143 of *The New Municipal Ordinance* is hereby repealed and the following substituted therefor : Section 143

**143.** The council of the corporation shall pass a bylaw authorising the levying and collecting of a rate or rates of so much on the dollar of the assessed value of the property therein as the council deems sufficient to raise the sum required to meet the amount of such estimate and to pay all valid debts of the corporation whether of principal or interest falling due within the year, but there shall not be levied or assessed in any one year more than an aggregate rate of twenty mills on the dollar exclusive of school rates and local improvement rates ; provided that for the purpose of meeting the cost of any public work or works under the provisions of an Ordinance to incorporate The City of Regina the aggregate rate exclusive of school rates and local improvement rates may be increased for that purpose only, but so as not to exceed twenty-five mills on the dollar.

8. For the further purposes of this Ordinance *The Municipal Ordinance* is hereby amended as follows : Subsection 52 of Section 95 and Section 164 are hereby repealed and the following sections are added after 163 thereof, namely : Municipal Ordinance amended

**164.** (1) (a) The council of the corporation of the City of Regina shall keep in its books two separate accounts, one for the special rate and one for the sinking fund or instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times, the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. Separate accounts to be kept for special rate and sinking fund

**164.** (b) If (after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year) there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest ; but if such surplus exceeds the amount of the next year's interest the excess shall be carried to the credit of the sinking fund account, or be applied in payment of the principal of such debt. Surplus in special rate amount

2. Provided always that any moneys levied and collected for the purpose of a sinking fund shall not in any case be applied towards paying off any portion of the current or other expenditure of the municipality save as may be otherwise authorised by this or any other Ordinance.

3. In the event of the council of the corporation diverting any of the said moneys for such current or any other expenditure save as aforesaid, the members who vote for the diversing

of said moneys shall be personally liable for the amount so diverted and said amount may be recovered in any court of competent jurisdiction; and the members who may have voted for the same shall be disqualified for holding any civic office for the period of two years.

Application of  
part of  
produce of  
special rate

**164. (c)** The council may by bylaw order and direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said council can arrange, or of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such bylaw, and the city council shall thereupon apply and continue to apply, such part of the produce of the special rate at the credit of the sinking fund, or special rate accounts, as directed by such bylaw.

Investment  
of part of  
produce of  
special rate

**164. (d)** If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the council shall, from time to time, invest the same in government securities, city or school debentures, or in local improvement debentures of the corporation or in any other debentures of the corporation or in first mortgage on real estate to an amount not exceeding one-half of the sworn cash valuation of an independent appraiser or by way of the temporary use of an amount not exceeding 75 per cent. of the estimated amount of the civic taxes to be levied by the general rate of the current year provided that such amount shall be replaced by the end of the current year; and from time to time as such securities mature may invest in other like securities.

(2) The council of such corporation may regulate by bylaw the manner in which such investments shall be made.

(3) It shall not be necessary that any local improvement or other debentures of the corporation referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

Appropriation  
of surplus  
moneys to  
sinking fund

**164. (e)** The council may direct by bylaw that any surplus moneys in the hands of the secretary treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the corporation

and the council may invest such sinking fund in any of the securities named in and according to the provisions of the preceding section.

**164. (f)** The council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein (after paying the annual expenses thereof), or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt in payment of any instalment accruing due.

Appropriation of surplus income from public works, etc

**164. (g)** No member of the said corporation shall take part in, or in any way be a party to, the investment of such moneys as are mentioned in this Ordinance otherwise than is authorised by this Ordinance, or by any other law in that behalf made and provided, and such person so doing shall be held personally liable for any loss sustained by the corporation.

Member of corporation not to be party to investment

**164. (h)** Section 213 of *The Municipal Ordinance* is hereby amended by adding thereto the words:

Limitation of borrowing power

“Except for the purpose of constructing or purchasing any public work or works, under the provisions of an Ordinance to incorporate the City of Regina or assisting therein, in which event, but for such purposes only, the corporation shall have power to pass such bylaws for contracting debts to the extent of, but not to a greater extent than twenty per cent. of such assessed value; and in the event of the corporation having funds or securities to the credit of a sinking fund, the amount thereof for the time being shall be deducted from the indebtedness of the corporation for the time being, and the difference only shall for the purposes of this section be deemed the amount of the actual indebtedness of the corporation for the time being.”

#### WATERWORKS AND SEWERS.

**9.** The corporation of the City of Regina hereinafter called the corporation shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct waterworks, sewers and electric lights and all buildings, materials, machinery and appurtenances thereto belonging in the corporation and in the neighbourhood thereof as hereinafter provided, and either in connection with waterworks or not a system of storm sewers or sanitary sewers or both.

Corporation may construct waterworks and sewers

**10.** The corporation shall have power to employ such engineers, surveyors and other persons, and to rent with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or purchase at the option of the corporation, such lands and buildings, waters and privileges as, in their opinion, may, during the construction or at any

Powers

future time, be necessary or expedient to enable them properly to carry out the purposes of this Ordinance.

Power to enter  
upon and  
acquire lands

**11.** The corporation, their engineers, servants and workmen from time to time, and at such times as the corporation shall see fit, may enter into and upon, take or use the land of any person, bodies politic or corporate in the corporation or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of the waterworks or sewers and may contract with the owner or occupier of the said lands, and any person having a right or interest in any water, for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of the waterworks or sewers at the option of the corporation.

Construction  
of necessary  
works

**12.** The corporation may construct, erect and maintain in and upon any lands acquired under the provisions of this Ordinance all reservoirs, waterworks and machinery requisite for the undertaking, and for conveying the water thereto and therefrom in, upon and through any lands lying intermediate between said reservoirs and waterworks, and the rivers, ponds springs, streams or waters from which the same are procured, and the corporation by one or more lines of pipes as may from time to time be found necessary or expedient.

Power to enter  
upon  
intermediate  
lands

**13.** The corporation and their servants under their authority, may for the said purposes, enter and pass upon and over the said lands intermediate as aforesaid, and the same may cut and dig up if necessary, and may lay down the said pipes through the same and in, upon, through, over and under the highways, streets, lanes, roads or other passages intermediate as aforesaid and may for the purpose of such works enter and pass upon and over such lands as the corporation may deem expedient and the same may cut and dig up if necessary and may lay pipes, drains, sewers or other works through the same and in, through, over and under lands, highways, streets, lanes, roads or other passages.

(2) All lands not being the property of the corporation, and all highways, roads, streets, lanes or other passages so dug up or interfered with, shall be restored to their original condition without unnecessary delay.

(3) The corporation may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the said corporation may think necessary and proper for the making and maintaining of the said works or for the opening of new streets required for the same, and for the purchasing of said lands required for the protection of the said works, or for preserving the purity of the water supply or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the community or the suburbs of the corporation or for the uses of the corporation, or for the



proprietors or occupiers of the land through or near which the same may pass.

**14.** For the purpose of distributing water or for the purpose of sewerage as aforesaid the said corporation may sink and lay down pipes, tanks, reservoirs and other conveniences, and may from time to time alter all or any of the said works as well in the position as in the construction thereof, as they may deem advisable.

**15.** All works, pipes, erections and machinery requisite for the undertaking shall be vested in and be the property of the corporation constructing the said works.

**16.** Service pipes or sewers which may be required shall be constructed and laid down up to the outer line of the street by the corporation, and the corporation shall be solely responsible for keeping the same in repair.

(2) In case where vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken or with which the sewer is to be connected the corporation may, with the consent of the owner, lay the service pipes or sewers across such vacant space and charge the cost thereof to the owner of the premises or the owner may himself lay service pipes or sewers provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing, as hereinafter provided, of the service pipes or sewers if laid or repaired by the corporation (except the repairing of the service pipes or sewers from the main pipe to the outer limit of the street as aforesaid which shall be borne solely by the corporation) or of superintending the laying or repairing of the same, if laid or repaired by any other person, shall be payable by the owner on demand to the corporation, or if not paid, may be collected forthwith in the same manner as water rates; provided that in no case shall the expense of superintending the laying or repairing of such service if laid or repaired by any other person aforesaid exceed \$2.00.

**17.** The service pipes or sewers from the line of street to the interior face of the outer walls of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the corporation, shall be under their control, and if any damage is done to this portion of the service pipe or sewer or its fittings either by neglect, or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the corporation; and in default of his so doing, whether notified or not, the corporation may enter upon the lands where the service pipes are, and by their officers, agents

or servants repair the same, and charge the same to the owner of the premises as hereinbefore provided.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water tenant except in cases of accident, or for the protection of the building, or the pipes, and to prevent the flooding of the premises.

(3) Parties supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation.

Inspection of  
premises

**18.** Any person authorised by the corporation for that purpose shall have free access at proper hours of the day and upon reasonable notice given, and request made or in case of the written authority of a commissioner given in respect of the special case, without notice, to all parts of every building or other premises in which water is delivered and consumed, or which is served by a sewer, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of such meter may set or alter the position of the same, or of any pipe, connection or tap, and may fix the price to be paid for the use of such meter, and the times when and the manner in which the same shall be payable and may also charge for and recover the expenses of such alterations; and such price and expense of such alterations may be collected in the same manner as water rates.

Regulation of  
use of water  
and of rates

**19.** The corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time may fix the prices for the use thereof and the times of payments; and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be paid for the use of water by hydrants or fire plugs and public buildings.

(2) The sum payable by the owner or occupant of any house, tenement, lot or part of a lot for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Ordinance to be collected in the same manner as water rates, shall be a preferential lien and charge on the house, tenement, lot or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Power to make  
and enforce  
bylaws for  
maintenance  
and  
management  
of works and  
collection of  
rates

**20.** The corporation may from time to time make and enforce bylaws, rules and regulations for the general maintenance or the management or conduct of the waterworks and of the officers and others employed in connection with them, not inconsistent with this Ordinance, and for the collection of the

water rates and for fixing the time and times when, and the places where the same shall be payable, and also for allowing a discount for prepayment and in case of default in payment may enforce payment by shutting off the water, or by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant, or of any goods and chattels in his possession, wherever the same may be found, within ten miles of the property in respect of which the water rate is payable, or of any goods and chattels found on the premises, the property of or in the possession of any occupant of the premises; but where the arrears exceed three months no distress shall be made of any goods and chattels which are not the property of the person liable for the water rate.

(2) The distress and sale may be conducted in the same manner as distress sales are conducted for arrears of taxes, and the costs chargeable shall be those payable under *An Ordinance respecting Distress for Rent and Extra-judicial Seizure*.

**21.** The corporation shall have power to employ the ordinary collectors and assessors and such other persons as in their opinion may be necessary to carry out the objects of this Ordinance, and to specify their duties and to fix their compensation and all such persons shall hold their offices at the pleasure of the corporation, or as the corporation shall determine by bylaw in that behalf, and shall give security as the corporation shall from time to time require, and such assessors and collectors shall have full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the corporation may by law possess and enjoy in respect of civic taxes. Power to employ collectors and others

**22.** The corporation shall not be liable for damages caused by the breaking of any service pipes or attachment in the absence of negligence, or for any shutting off of any water to repair mains; provided that reasonable notice of the intention to shut off the water shall be given whenever the same is intended to be shut off for more than six hours at any one time. Non-liability for breakage or stoppage

**23.** The said corporation shall have power and authority to supply with water, upon special terms, any person or corporation outside the city, and may exercise all other power necessary to the carrying out of their agreement with such corporation or person, as well within the suburbs as within the city, and they may also, from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company, manufactory, industry or institution, whether Government or otherwise, within ten miles of the corporation. Power to supply water outside of city

**24.** The corporation may make such bylaws as to the council may seem requisite for prohibiting, by fine not exceed- Power to make by-laws prohibiting

wrongful use  
of water and  
regulating  
supply

ing \$20 and costs, or by imprisonment in the first instance, for any term not exceeding one month, any person being tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, from lending, selling, or disposing of the water thereof from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her or their own use and benefit or from increasing the supply of water agreed for with the corporation, or from wrongfully neglecting or improperly wasting the water.

(2) And may also make bylaws regulating the time, manner, extent and nature of the supply by the works, to the tenement, or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith which it may be necessary or proper to direct, regulate, or determine, in order to secure the inhabitants of the corporation a continued and abundant supply of pure and wholesome water and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment shall be in the discretion of the justice of the peace before whom any proceedings may be taken for the enforcement of such bylaw.

Petition for  
construction of  
waterworks

**25.** In case a petition signed by two-thirds of the resident ratepayers of the corporation qualified to vote on bylaws requiring the assent of the electors is presented to the council of the corporation asking for the construction of waterworks under the powers conferred on the corporation by this Ordinance—

(2) It shall be the duty of such council to submit a bylaw for the construction of such waterworks to the vote of the ratepayers of the corporation, and such council shall forthwith prepare a bylaw directing the submission of the question in accordance with the prayer of the petitioners or in such form as may be approved by the vote of two-thirds of the members of such council, and shall submit the same to the vote of the ratepayers within six weeks after the receipt of the petition by the council.

(3) The power of the city council shall not be deemed to be abridged by this Ordinance, except as expressly stated herein.

(4) The proceedings in taking the vote, and the persons having the right to vote shall be the same as nearly as may be as are required by *The Municipal Ordinance* in case of bylaws creating debts.

If bylaw  
approved  
council to  
construct  
works

**26.** If the bylaw be approved of by two-thirds of the duly qualified ratepayers voting thereon, it shall be the duty of the



council to pass the bylaw and forthwith to proceed in the construction of the works; provided always that the council may, for any good cause, if deemed expedient by a vote of two-thirds of its members, hold the works in abeyance until after the next general civic election.

#### LIGHTING, HEATING AND POWER WORKS.

**27.** The corporation shall have power to manufacture and supply for the use of the corporation, and of all persons, gas (including natural gas), for heating, cooking and all other purposes for which gas can be used, and to manufacture and supply electric, galvanic or any other artificial light or heat or power either in connection with gas or otherwise, and for these purposes shall have power to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which they may deem requisite; and shall have power to acquire any patent or other rights for the manufacture or production of any artificial light or heat or power, and also to supply, sell or lease all fittings, machines, apparatus, meters or other things for the purposes aforesaid.

(2) The corporation may sell or dispose of coke, tar and every other product refuse, or residue obtained in or from their said works and any surplus of coal they may have on hand.

(3) The corporation shall have power to rent, purchase or lease such lands and buildings as they deem necessary or advantageous for the purposes aforesaid.

**28.** The corporation, or their servants under their authority may for the purpose of laying down, taking up, examining, or keeping in repair the pipes or wires used for conducting the gas, electricity, or other means of producing light or heat, or power, break up, dig and trench in, upon, through, over and under the highways, streets, lanes, roads, squares and other public passages and places in the corporation; or, with the consent of the owner, in, upon, through, over or under, any private property; or may, upon poles or otherwise, conduct such wires and rods along and across such streets, lanes, roads, squares and other public passages and places, or with the consent of the owner upon private property.

**29.** Where there are buildings within the corporation different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the corporation may with the consent of the owner carry pipes, wires or rods, to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more tenants, to convey the gas, electricity, or other means of providing light or heat or powers to the property of another, or in the possession of another.

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same inside.

May also break  
up passages

**30.** The corporation may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein, for the purpose of laying down pipes or wires, or taking up or repairing or examining the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay.

Public health  
and safety not  
to be  
endangered

**31.** The corporation shall construct their gas and other works, and all apparatus and appurtenances thereunto belonging or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health or safety.

Corporation to  
supply  
buildings on  
request

**32.** Where the corporation has constructed any works for supplying the city with light, heat or power, as hereinbefore provided, and where there is a sufficient supply thereof it shall be the duty of the corporation to supply all buildings within the city situate upon land lying along the line of supplies, upon the same being requested by the owner, occupant or other person in charge of any such building at the customary charges and on the customary terms.

Powers to  
make bylaws  
for  
maintenance  
and  
management  
of works and  
collection of  
rates

**33.** The corporation may from time to time make and enforce all necessary bylaws, rules and regulations for the general maintenance and management of all the works constructed or maintained under this Ordinance, and of the officers or others employed in connection with them, and for the collection of the rates and charges for supplying gas or electricity, or other means of providing light or heat or power hereunder and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges, and rents, and the times and places when and where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they may deem expedient.

Power to  
enforce  
payment of  
rates

**34.** The corporation may enforce payment of such rates, charges or rents by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found in the city in which the gas, electricity or other means of providing light, heat or power is supplied.

(2) Such distress and sale shall be conducted in the same manner as distress sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under *An Ordinance respecting Distress for Rent and Extra-judicial Seizure*.

(3) Where any consumer discontinues the use of gas or other means of providing light or heat or power furnished by the corporation, or the corporation lawfully refuses to continue any longer to supply the same, the officers and servants of the corporation may at all reasonable times enter the premises in or upon which such consumer was supplied with gas, or the means

of providing light or heat or power, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage.

**35.** The said corporation shall have power and authority to supply with gas (including natural gas) for heating, cooking, and all other purposes for which gas can be used, electric, galvanic or any other artificial light or heat or power, either in connection with gas or otherwise, upon special terms, any person or corporation outside the city, and may exercise all other power necessary to the carrying out of their agreement with such corporation or person, as well within the suburbs as within the city, and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of such light, heat or power to any railway company, manufactory or industry or institution, whether Government or otherwise, within ten miles of the corporation.

Power to  
extend works  
beyond city

**36.** In case any person, firm or company has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of the suburbs the corporation shall not, without the consent of such person, firm or company first had and obtained, nor otherwise than upon payment to such person, firm or company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas within six feet of the main pipes of such person, firm or company or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. This section is subject to any antecedent agreement between such person, firm or company and the corporation.

Restrictions  
when mains  
already  
existing

#### GENERAL.

**37.** The corporation shall do as little damage as may be in the execution of the powers by this Ordinance granted to them, and shall make reasonable and adequate satisfaction to the owners, occupiers or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the corporation or injuriously affected by the exercise of its powers; and in case of disagreement the compensation or damages shall be ascertained as provided in like cases in *The Municipal Ordinance*.

No  
unnecessary  
damage to  
be done

**38.** The attempt to collect any rates by process hereinbefore mentioned shall not in any way invalidate the lien on the premises as hereinbefore provided.

Attempt to  
collect rates  
not to  
invalidate  
lien

(2) In event of the rate remaining uncollected and unpaid and continuing a lien upon the said premises as aforesaid the amount of the rate so in arrears shall be returned by the collectors to the secretary treasurer or clerk of the city annually on

or before the eighth day of April in each and every year, or such other time as may be fixed by the corporation by bylaws in that behalf, and the same, together with interest at the rate of six per cent. per annum thereon shall thereupon be collected by the secretary treasurer or clerk by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of lands for arrears of municipal taxes, for the time being.

Protection and  
powers of  
officers

**39.** The corporation and their officers, agents and servants shall have the like protection in the exercise of their respective offices, and the execution of their duties as public officers have under the laws of the Territories, and the watchman, and other officers of the corporation, when in the discharge of their duties, shall be ex-officio possessed of all powers and authority of constables.

Property  
exempt from  
execution

**40.** All materials procured, or partly procured under contract with the corporation, and upon which the corporation shall have made advances in accordance with such contract, shall be exempt from execution.

Property  
exempt from  
taxation

**41.** The lands, buildings, machinery, reservoirs, pipes, poles, wires, rods, meters, fittings, and all other real or personal property connected with or appertaining or belonging to any work under this Ordinance shall be exempt from taxation for civic, school or other purposes.

Property  
exempt  
from seizure  
for distress

**42.** No property owned by the corporation under the authority of this Ordinance shall be liable to seizure by way of distress for rent.

Power to sell  
property when  
no longer  
required

**43.** The corporation may dispose of any real or personal property acquired by them for the purposes of this Ordinance when no longer required, and until sold, may rent or lease the same; any property so sold shall be free from any charge or lien on account of any debentures or other securities issued by the corporation, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon, but may be reinvested in similar property under the authority of this Ordinance, which substituted property shall immediately upon its being acquired be and become subject to such securities as the property sold was subject to; or should no such securities then exist then the said proceeds shall form part of the general funds of the corporation and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property the corporation may take security by way of mortgage to secure the same, and the corporation shall have all the rights, powers and remedies expressed in or implied by any mortgage given as fully as if the mortgage had been given to a private person, and every such mortgage, and



the proceeds thereof, shall be subject to the provisions of the first subsection of this section.

**44.** No member of the city council shall personally have or hold any contract in connection with any works under this Ordinance, or be directly or indirectly interested in the same, or any of them, but no person shall be held to be disqualified from being elected or sitting as a member of the council of the corporation by reason of his being a taker or consumer of water, light, heat or power supplied by the corporation, or by reason of any dealing or contract with the corporation with reference to the supply of water, light, heat or power to such person.

No member of council to be interested in any contract

**45.** All persons and corporations who shall by themselves, their servants or agents, by act, default, neglect or omission, occasion any loss, damage or injury to the public works constructed under the provisions of this Ordinance or to any plant, machinery, fitting or appurtenances thereof, shall be liable to the corporation for or in respect of such damage, loss or injury and damages in respect thereof may be recovered by the corporation in any court of competent jurisdiction.

Liability of persons doing damage

**46.** The corporation may purchase or lease any works constructed for the supply of water, light, heat and power within or in the neighbourhood of the corporation and being the property of any person or company, and, under the provisions of this Ordinance, may improve and extend such works.

Power to purchase or lease existing works

**47.** If any person does or commits any of the following acts—

Penalties

(1) Wilfully or maliciously hinders or interrupts, or causes, or procures to be hindered or interrupted the said corporation, or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Ordinance authorised and contained;

(2) Wilfully or maliciously lets off or discharges water or gas, so that the same runs waste or useless;

(3) Not being in the employment of the corporation and not being a member of the fire brigade and duly authorised in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber pipe, or hydrant chamber, by placing on it any building material, rubbish or other obstruction;

(4) Throws or deposits any injurious, noisome, or offensive matter into the water or waterworks, or upon the ice in case such water is frozen, or in any way fouls the water or commits any wilful damage or injury to the works, pipes, or water, or encourages the same to be done;

(5) Wilfully alters any meter placed upon any service, pipe or connected therewith, within or without any house, building or

other place, so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specially authorised by the corporation for that particular purpose and occasion ;

(6) Lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe or main or wire or rod of the works, or in any way obtains or uses any water, gas or electricity thereof without the consent of the corporation ;

(7) Washes or cleanses cloth, wool, leather, skin, or animals, or places any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained, or conveys, casts, throws or puts any filth, dirt, dead carcass, or other noisome or offensive thing therein, or within the distance as above set forth, causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled, and if such person is convicted of such act before a justice of the peace, he shall, for every such offence, forfeit and pay a sum not exceeding \$20 and not less than \$1, together with the costs and charges attending the proceedings and conviction, or such offender may be imprisoned in the first instance for any term not exceeding thirty days.

Application of penalties

**48.** The penalties in money under the last preceding section, or any portion of them which may be recovered, shall be paid to the convicting justice, and by him paid, one half to the treasurer of the corporation, and the other half to the prosecutor unless the prosecutor is the officer or servant of the corporation, in which case the whole of the penalty shall be paid to the corporation.

May be constructed as separate undertaking

**49.** Any civic public work provided for in this Ordinance may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted either separately as distinct undertakings, or in conjunction as one entire undertaking.

Money borrowed to be a charge on works

**50.** It is hereby provided that any public work or works constructed or acquired under this Ordinance, and all lands acquired for the purpose thereof, and every matter and thing appertaining thereto, and all revenues derived therefrom shall be held to be entirely separate from all other assets of the corporation, and shall not be liable for any debt of the corporation heretofore or hereafter contracted by the corporation on the credit of the corporation at large, and such public work or works, lands, appurtenances and revenues shall be and are hereby specially charged with the repayment of any sum or sums of money, which may be borrowed at the credit thereof by the corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such securities shall have a preferential lien and charge on the said works, lands, appurtenances and revenues

for the securing of the repayment of the same and the interest thereon, irrespective of the order in which the same are issued.

**51.** After the construction of the works all the revenues arising from and out of the supplying of water, light, heat or power, or from the real and personal property connected with the works to be acquired by the corporation under this Ordinance, shall, after providing for the expenses attendant upon the maintenance of the works, and after payment of the amount payable for principal and interest, or sinking fund and interest, up to the end of the then current year, shall, year by year, be transferred to and form part of the general funds of the corporation and may be applied accordingly. Application of revenue

**52.** In the event of default being made in the payment of any portion of the moneys so borrowed or the interest thereon the holder or holders of such debentures shall be at liberty, as often as such default shall happen, and shall have continued for the space of twelve months, but without prejudice to the jurisdiction of any competent court, to interfere before the expiration of such period, to enter upon and take possession of the public work or works, lands and appurtenances and operate the same until all arrears of principal and interest, and the reasonable costs and expenses of taking possession and of operating the same shall be fully paid, and may on such terms as any competent court or a judge thereof may order, advertise and sell the said public work or works, lands and appurtenances by public auction, and apply the proceeds of such sale in repayment of the moneys so borrowed, and interest and costs and expenses, and the balance, if any, remaining after such payment shall be paid over to the corporation.

**53.** The purchaser or purchasers on any such sale, and their assigns shall have and possess and may exercise all the rights, powers, privileges and franchises relating to the construction, maintenance, working and conduct of the work or works which are by this Ordinance conferred upon the corporation, subject to the right of the corporation to resume the ownership thereof at the expiration of ten years from such sale, on giving six months' notice and on payment, within six months after such period of ten years at a valuation to be ascertained by arbitration, subject to the assent of the ratepayers, as in the case of the original construction or purchase of said works. Rights of purchasers

**54.** In case the corporation fails to exercise the right of resuming the ownership of the public work or works at the expiration of the said period the corporation may similarly exercise such right at the expiration of any fifth year thereafter upon giving one year's notice to the purchasers or their assigns. Right of corporation to resume ownership of works

Powers to  
borrow to be  
in addition to  
powers under  
Municipal  
Ordinance

**55.** It is hereby declared that the powers of borrowing and issuing of debentures in this Ordinance provided for are not to be accounted as diminishing the powers of the corporation to borrow and issue debentures conferred by *The Municipal Ordinance*, nor are they to be taken as restricting the power of the corporation to borrow and issue debentures on the credit of the corporation at large under *The Municipal Ordinance* within the limit of amount therein provided for, for the purpose of constructing or purchasing any such public work or works, or assisting therein, and in borrowing for the purposes aforesaid, or for the purpose of constructing a system of sewerage in connection with a system of waterworks, the corporation in borrowing, whether under the provisions of this Ordinance, or of *The Municipal Ordinance*, may extend the time of repayment for any term up to fifty years.

(2) Debentures issued in pursuance of a bylaw passed under the authority of this Ordinance may be dated as of the actual date of the issue thereof, provided such date be within four years from the date of the final passing of the bylaw, and may be made payable in such manner that for the first five years succeeding their date interest only shall be payable.

Special  
frontage rate

**56.** For the purpose of assisting in the payment of any debentures issued for the purpose of waterworks constructed or acquired under the provisions of this Ordinance, and the interest thereon, it shall and may be lawful for the corporation to provide by bylaw for the assessment and collection of a special tax or rate in each year not exceeding four mills in the dollar upon the several properties according to the assessed value thereof, fronting or abutting on the street in, through, and along which the waterworks mains are laid, as well as all other properties which may enjoy the advantage of the use of water from the said main, distant not more than 300 feet therefrom, for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on any debentures issued for the purposes of the said waterworks, and the annual instalment of principal, or the annual amount of payment to the sinking fund for the payment of the principal thereof, provided that the collector of taxes, upon the production by the owner or occupant using said water, of the receipt for payment of the rent chargeable for the use thereof during the year, or such proportion thereof as equals such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment *pro tanto* on account of the special tax authorised to be levied by this section.

Corporation  
may appoint  
commissioners

**57.** The corporation may itself, or by its officers, exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon it or the council may, either before the commencement of the works or at any time while they are in the course of construction, or after their completion by bylaw



provide for the appointment of one or more commissioners for such purpose.

(2) Upon the appointment of a commissioner, or commissioners all the powers, rights, authorities or immunities which, under this Ordinance, might have been exercised or enjoyed by the council, and the officers of the corporation acting for the corporation shall, and may be exercised by the commissioner or commissioners, and the officers appointed by him or them, and the council thenceforth, during the continuance in office of the commissioner or commissioners, shall have no authority in respect of such works.

(3) But any officer or employee appointed or employed by the council in or about the construction or management of the works shall be continued until removed by the commissioner or commissioners, unless his engagement shall sooner terminate.

(4) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works, and the clerk or secretary treasurer of the city shall, upon the written certificate of the commissioner or commissioners pay out any moneys so provided.

**58.** The commissioner or commissioners shall be appointed from time to time by bylaw of the council on such terms and at such a salary as they may deem expedient, but such bylaw shall not take effect until approved by the Lieutenant Governor in Council, and shall cease to be valid after one month's notice from the Lieutenant Governor in Council that such approval has been withdrawn, and no repeal or amendment of any such bylaw appointing a commissioner or commissioners shall be valid unless nor until such repeal or amendment has been approved in like manner, except as hereinafter provided.

Bylaw appointing commissioners to be approved by Lieutenant Governor

**59.** Every commissioner shall, before taking office, give such security for the performance of his duties as the council shall require.

Security of commissioner

**60.** No commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works, or be directly or indirectly interested in the same or any of them.

Commissioner not to be interested in any contract

**61.** The council of the corporation in case the construction of the works be entrusted to a commissioner or commissioners may by bylaw at any time assume the work, remove the commissioner or commissioners, apportion their current year's salary and proceed with and manage the works and in such case all the rights, powers, authorities, immunities, duties and liabilities then belonging to the commissioner or commissioners shall be transferred to and vested in the council; but any officer or employee appointed or employed by the commissioner or

Council may remove commissioners and assume work

commissioners in or about the construction or management of the works shall be continued until removed by the council unless his engagement be sooner terminated.

Accounts to be  
kept by  
commissioners

**62.** The commissioner or commissioners shall keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the works distinct from the books and accounts relating to the other property, funds or assets belonging to the works, and all such books shall be open to the examination of any person appointed for that purpose by the council.

(2) The commissioner or commissioners, on or before the 15th day of January in each year, or upon such other day as the council may name, shall cause a return to be made to the council containing a statement of the affairs of the works, which shall show the amount of the rents, issues and profits arising from the works, and the number of consumers during the previous year; the extent and value of the movable and immovable property belonging to the works, the amount of debentures then issued and remaining unredeemed and uncanceled, and the interest paid thereon, or yet due and unpaid, and the state of the sinking fund, the expenses of collection and management and all other contingencies, the salaries of officers and servants, the costs of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may have been acquired for the use of the works, and generally such a statement of the revenue and expenditure of the works as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the works.

(3) The commissioner or commissioners shall also from time to time furnish such information as may be required by the council.

(4) All accounts relating to the works shall be audited by the auditor for the corporation in regular course, and the commissioner or commissioners, and all the officers, shall furnish to the officers such information and assistance as may be in their power to enable the officers to properly audit such accounts.

Oath of office  
and records of  
proceedings

**63.** The commissioner and commissioners and the clerks employed in their revenue service shall be sworn before a justice of the peace for the faithful performance of their duties; the commissioner or commissioners shall keep a book for the purpose of recording the whole of their official proceedings, and such book shall be open for inspection in the same manner as the books mentioned in the next preceding section.

1903

## CHAPTER 29

An Ordinance to amend Ordinance No. 25 of 1887 intituled "An Ordinance to Incorporate the Town of Moosomin" and to legalise Bylaw No. 136 of said town.

*[Assented to April 25, 1903.]*

**W**HEREAS the Municipal Council of the Town of Moosomin passed the bylaw, a copy of which is a schedule hereto;

And whereas the said bylaw was submitted to the ratepayers of the said town and was ratified by the votes of more than two-thirds of the said ratepayers voting thereon;

And whereas it appears that the said bylaw is invalid by reason of the fact that the Ordinance incorporating said town, being Ordinance No. 25 of 1887, does not confer upon said town the power to grant a bonus such as is set out in said bylaw;

And whereas it is desirable that such and other powers be granted said town and that said bylaw be validated:

Now therefore the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 2 of Ordinance No. 25 of 1887 is hereby repealed. Section 2  
repealed.

2. The said bylaw is hereby legalised, validated and made binding upon the said town and the said town may borrow a sum or sums of money to the amount and for the purpose specified in said bylaw and may issue debentures therefor in the same manner and with the same effect as if said town had always had full power to enact same and as if the same were always valid, legal and binding on said town. Bylaw No.  
136 validat-  
ed.

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### SCHEDULE.

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#### BYLAW NO. 136 OF THE TOWN OF MOOSOMIN.

A bylaw to authorise the granting of a bonus by the Town of Moosomin to John S. Sutcliffe and Walter Muir both of Morris in the State of Minnesota, to aid in the erection of a

"Merchant Flour Mill" in said town and to provide for exemption from municipal taxation of said mill and to authorise the issue of debentures of the said town to the amount of \$5,000.00 for the purpose of raising the sum required therefor;

Whereas a majority of the resident ratepayers of the Town of Moosomin have petitioned the council of the said town praying that all necessary steps be taken to provide for the granting of a bonus by the said town of \$5,000.00 to John S. Sutcliffe and Walter Muir both of Morris in the State of Minnesota, in connection with the erection of a "Merchant Flour Mill" by them in the said town and to provide for the exemption from municipal taxation of said mill until the first day of January, 1911;

And whereas the said council deem it advisable that such request be granted;

And whereas in order thereto it will be necessary to issue debentures of the said town for the sum of \$5,000.00 as hereinafter provided (which is the debt to be created by this bylaw) the proceeds of said debentures to be applied to the purpose aforesaid and to no other;

And whereas it is desirable that such indebtedness should be spread over a period of twenty years and be repaid in equal instalments of principal and interest;

And whereas the amount of the whole ratable property of the said town according to the last revised assessment roll is \$410,995.00;

And whereas the total amount of the existing debt of the said town outside of the debt due for the current expenses of the year is \$14,912.60;

And whereas it is desirable that said bylaw take effect on Friday the first day of May, 1903;

Therefore the municipal council of the corporation of the Town of Moosomin enacts as follows:

1. A bonus of \$5,000.00 is hereby granted by the said town of Moosomin to the said John S. Sutcliffe and Walter Muir in aid of the erection of such mill; and for the purpose of raising the said sum debentures of the said town to the said amount of \$5,000.00 in the whole, shall be issued in sums of not less than \$1,000.00 each; each of which debentures shall be payable to the bearer, in twenty equal consecutive annual instalments with interest at  $4\frac{1}{2}$  per centum per annum and each instalment of interest as well as principal shall be equal.

2. The said mill and plant and grounds used in connection therewith is hereby exempted from municipal taxation by said town until the first day of January, 1911.

3. This bylaw shall take effect on the first day of May, 1903.



4. The votes of the electors of the said town shall be taken on this bylaw on Monday the 23rd day of February next, commencing at the hour of ten o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, at the council chamber, in White's block, in the said town, by John Smithers, Esq., returning officer.

5. The said returning officer shall attend at the said council chamber on Tuesday the 24th day of February next, at the hour of two o'clock in the afternoon to sum up the number of votes given for and against this bylaw.

Dated at council chamber, in the Town of Moosomin, this 28th day of January, A.D., 1903.

JOHN MCCURDY,

*Mayor.*

JOHN SMITHERS,

*Secretary Treasurer.*

1903

## CHAPTER 30

An Ordinance further to amend Ordinance No. 24 of 1890, intituled "An Ordinance to incorporate the Town of Lethbridge," as amended by Chapter 18 of the Ordinances of 1902.

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. The provisions of *The Municipal Ordinance* in so far as they affect the Town of Lethbridge are hereby amended as follows:

Subsection 52 of section 95 and section 164 of the said Ordinance are hereby repealed and the following sections are hereby added after section 163 thereof.

Separate  
accounts to  
be kept for  
special rate  
and sinking  
fund

**164a.** The council of the corporation of the Town of Lethbridge shall keep in its books two separate accounts one for the special rate and one for the sinking fund or instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted; and shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof.

Surplus in  
special rate  
amount

**164b.** If (after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal for any financial year) there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain and may be applied (if necessary) towards the next year's interest; but if such surplus exceeds the amount of the next year's interest the excess shall be carried to the credit of the sinking fund account, or be applied in payment of principal of such debt; provided always that any moneys levied and collected for the purpose of a sinking fund shall not in any case be applied towards paying off any portion of the current or other expenditures of the municipality save as may be otherwise authorised by this or any other Ordinance.

(2) In the event of the council of the municipality diverting any of the said moneys for such current or any other

expenditure save as aforesaid, the members who vote for the diverting of said moneys shall be personally liable for the amount so diverted and said amount may be recovered in any court of competent jurisdiction and the members who may have voted for the same shall be disqualified for holding any municipal office for the period of two years.

**164c.** The council may by bylaw direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being invested as hereinafter provided shall (from time to time as the same accrues) be applied to the payment or redemption at such value as the said council can agree for or of any part of such debt or of any of the debentures representing or constituting such debt or any part of it though not then payable to be selected as provided in such bylaw; and the municipal council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts as directed by such bylaw. Application of part of produce of special rate

**164d.** If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the council shall from time to time invest the same in government securities, municipal or school debentures or in local improvement debentures of the municipality or in any other debentures of the municipality, or in first mortgage on real estate to an amount not exceeding one half of the sworn cash valuation of an independent appraiser or by way of loan to the general funds of the town, for temporary use of an amount not exceeding 75 per cent. of the estimated amount of the municipal taxes to be levied by the general rate of the current year, provided that such amount shall be replaced by the end of the current year, and from time to time as such securities mature may invest in other like securities. Investment of part of produce of special rate

(2) The council of such municipality may regulate by bylaw the manner in which such investments shall be made.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

**164e.** The council may direct by bylaw that any surplus moneys in the hands of the secretary treasurer and not specially appropriated to any other purpose shall be credited to the sinking fund account of any debenture debt of the Appropriation of surplus moneys to sinking fund.

municipality ; and the council may invest such sinking fund in any of the securities named in and according to the provisions of the preceding section.

Appropriation of surplus income from public works, etc.

**164f.** The council may appropriate to the payment of any debt the surplus derived from any public or corporation work or from any share or interest therein (after paying the annual expenses thereof) or any unappropriated money in the treasury or any money raised by additional rate ; and money so appropriated shall be carried to the credit of the sinking fund of the debt in payment of any instalment accruing due, or may use such surplus income or any part thereof for the purpose of defraying any portion of the amount which the municipality has to bear of any local improvement.

Member of corporation not to be party to investment.

**164g.** No member of the said corporation shall take part in or in any way be a party to the investment of such moneys as are mentioned in this Ordinance otherwise than is authorised by this Ordinance or by any other law in that behalf made and provided, and such person so doing shall be held personally liable for any loss sustained by the corporation.

Limitation of borrowing power.

**2.** In so far as the same refers to the Municipality of Lethbridge, Part VI of *The Municipal Ordinance* is hereby repealed and the following substituted therefor :

## Part VI.

### Local Improvements and Assessments.

Local improvement.

**231.** The term "local improvement" shall be taken to mean

(a) The opening, widening, straightening, extending, grading, levelling, macadamising, paving or planking of any street or public land, alley, way or place ; or

(b) The constructing of any sidewalk, bridge, culvert or embankment forming part of a highway ; or

(c) The curbing, sodding or planking of any street or public lane, alley, square or other public place ; or

(d) The making, constructing, establishing, deepening, enlarging or prolonging of any common ditch, drain or sewer or the reconstructing but not the mere repair and maintenance of any of the said works.

Special frontage assessment.

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made, according to the number of lineal feet measured along the front or other abutting portion of the said several lands of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet of



such lands abutting on the street or place whereon or wherein the local improvement is to be made.

Provided that where the local improvement abuts on several parcels of land, some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots, or being of different size or shape from the other parcels of land abutting on the local improvement, such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have so that each parcel of land abutting on the local improvement bear a fair, just and equitable proportion of the cost of the improvement; and

Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers, and that for the purpose of affording an outlet therefor a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or parcel or parcels of land fronting or abutting thereon, or to the absence of buildings thereon, such sewer would not have been carried along such street or place except as a means of affording an outlet as aforesaid, such lot or lots, parcel or parcels of land may be exempted from the payment of any special frontage assessment in respect of such sewer, either for the whole or a part of the term of the special frontage assessment, or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances.

(3) The term "special local benefit assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of a local improvement whether or not such land abuts on the street or place whereon or wherein such local improvement is made, as is increased or is likely to be increased in market value or is otherwise benefited by reason of the local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment, as bears a fair, just and equitable proportion having regard to all other parcels of land benefited by the local improvement, to such total charge.

(4) The term "cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement, but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising the moneys to pay the cost thereof including discounts and interests.

(5) Where a system of sewers has been established by the municipality the cost of extensions thereof from time to time shall be borne by the municipality at large and by the lots or parcels of land fronting or abutting on the street or place whereon or wherein the extension runs, in the same proportions as nearly as the circumstances will admit as obtained in the case of the original establishment of the system.

Special  
frontage  
assessment  
and special  
local benefit  
assessment.

**232.** The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall, with interest at a rate not exceeding six per cent. per annum, be spread over the term of the probable lifetime of the local improvement, so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period; and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable, and shall be payable in the same manner and collectable in the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general municipal taxes; provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof, less any amounts previously paid on account thereof.

Bylaws

**233.** The municipal council of the town may pass bylaws:

(a). For providing the means of ascertaining and finally determining what portion of the cost of any local improvement shall be raised by special frontage assessment and what portion, if any, shall be borne by the municipality at large and, in the case of special frontage assessment, what lands shall be assessed in an exceptional mode to be adopted; and, in the case of special local benefit assessment, in what proportions the assessment is to be borne by the several lands affected and of assessing the cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment.

And it is hereby declared that a bylaw or bylaws of general application for the said purposes shall be sufficient, and it shall not be necessary to pass a special bylaw in each particular instance.

(b) For borrowing, by the issue of debentures upon the credit of the municipality at large, the moneys required to meet the whole or any part of the cost of any local improvement provided (1) that bylaws for the purpose of raising moneys in respect of a local improvement may be passed comprising either the whole or a part of the amount of the entire cost thereof, although a portion thereof is to be borne by the municipality at large and a portion is to be payable by special assessment, or comprising the whole or a part of any portion of that part of the cost which is to be borne by the municipality at large; or of that part of the cost which is

payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) That it shall not be necessary to obtain the assent of the ratepayers to the passing of any bylaw to raise such portion of the cost of a local improvement as is, or is to be levied by special assessment, nor for any bylaw for raising such portion of the costs as is to be borne by the municipality at large of an extension of a municipal system of sewerage originally constructed as a local improvement or of any other local improvement unless, in the case of such other local improvement, the share of the cost to be borne by the municipality at large shall be greater than can be properly paid out of the current revenue of the municipality for the current year; and (4) that nothing herein contained shall be construed as authorising an extension of the general debt of the municipality beyond the limits thereof fixed by this Ordinance.

(c) For borrowing by way of temporary loan within the restrictions aforesaid on the credit of the municipality at large the whole or any part of the cost of a local improvement.

And it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of any such municipality within the meaning of this Ordinance and it shall not be necessary to recite the amount of the local improvement debt so secured by special assessment in any bylaw for borrowing money on the credit of the municipality as aforesaid, but it shall be sufficient to state in any such bylaw that the amount of the general debt of such municipality as therein set forth is exclusive of local improvement debts secured by special assessments.

**234.** No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice as hereinafter provided. Petition or notice required.

1. (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place wherein or whereon the improvement is made, or of lands to be benefited by the local improvement, as the case may be, and representing at least one half in value of such lands, excluding improvements thereon, as the same are valued upon the last revised assessment roll, the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be, and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition.

(b) The signatures to the said petition shall be verified by the affidavit of at least one attesting witness.



(c) The request of the petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part, provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made.

2. (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid, unless the majority of the owners of the lands to be affected, representing at least one-half in value thereof as aforesaid, petition the council against the same within two weeks after the last publication of notice of the intention of the council to undertake the local improvement, such notice to be inserted once in each week for two weeks in at least one newspaper published in the municipality if there is a newspaper published therein, and if not, then in a newspaper published nearest to the proposed local improvement; but in the event of any such projected local improvement being the construction of a sewer or ditch or portion of a sewer or ditch necessarily required as a connecting link between any sewer or ditch already constructed and any sewer or ditch which the town is empowered under this Ordinance to construct, the right of the town to construct such connecting link and assess the cost thereof against the property benefited thereby shall be absolute.

(b) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council no second notice for the same shall be given by the council within the then current calendar year.

(c) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the municipality and no petition sufficiently signed as aforesaid has, within the time limited in that behalf, been presented to the council against such local improvement as assessment, it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

May be  
undertaken  
before cost  
ascertained.

**235.** Any local improvement may, in the discretion of the council, be undertaken either before or after the cost thereof shall have been ascertained and finally determined as aforesaid, unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

Insufficient  
or excessive  
assessment.

**236.** If in any case the first assessment for any local improvement proves insufficient or invalid, an additional or new assessment or assessments may be made until sufficient moneys have been realised to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded ratably to those by whom it was paid.

Appeal from  
assessment.

**237.** There shall be a right of appeal against every assessment made under the authority of any bylaw passed under this



part of this Ordinance, to a court of revision to be composed of the mayor and council of the municipality, and from such court of revision to a judge in the same manner, and by the same procedure as nearly as may be in the case of an appeal from an ordinary assessment.

**238.** Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby, either personally or by registered letter addressed to the last post office address of the owner and the notice shall set forth:

Notice of assessment.

- (a) A description in general terms of the local improvement.
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread.
- (c) The probable or actual cost of local improvement.
- (d) The portion, if any, of the cost to be borne by the municipality at large.
- (e) The portion of the cost to be provided by special assessment, and the system of special assessment under which the special assessment is proposed to be made.
- (f) The time fixed for the sittings of the court of revision for the hearing of appeals in respect of the special assessment, such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

**239.** A memorandum by the assessor in any proper book or roll kept for that purpose of the mailing of such notices and of the date thereof shall be *prima facie* evidence of the mailing of such notices in accordance with the last preceding section, on the date mentioned in the memorandum.

Evidence of notice.

**240.** No assessment under the provisions of this part of this Ordinance shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends unless an application to quash the same shall have been made in accordance with the provisions of section 268 of this Ordinance, and before the date fixed for the sittings of the court of revision.

Assessment valid unless application made to quash

**241.** The decision of the court of revision or of the judge, if there be an appeal from the court of revision, shall be final and conclusive upon all matters respecting the assessment and special rate, and the court of revision and the judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Decision of court of revision.

**242.** Every bylaw for borrowing money for local improvements by the issue of debentures shall recite or otherwise state:

Contents of bylaw.

- (a) The amount of the debt which such bylaw is intended to create and the object in general terms for which it is to be created.
- (b) The total amount required to be raised annually for paying the debt and interest under this bylaw and whether the whole or if not, what portion thereof is payable by way of special assessment and the system of special assessment applicable.
- (c) The total value of the land charged with the special assessment and, if any portion of the debt created by such bylaw is to be borne by the municipality at large, the value of the whole ratable property of the municipality according to the last revised assessment roll.
- (d) That the debt is contracted on the credit and security of the municipality at large but, as to so much as is not to be paid by the municipality at large, the municipality is to collect the same only by way of special assessment as aforesaid.

Section 1  
chapter 18 of  
1902 amended.

**3.** Section 1 of chapter 18 of the Ordinances of 1902 is hereby amended by striking out the words "under a lease" where they occur therein.

Subsection (a)  
section 3  
amended.

(2) Subsection (a) of section 3 of the said Ordinance is hereby amended by striking out "\$400.00" where it occurs therein and substituting therefor "\$200.00."

Special  
waterworks  
tax.

**4.** In addition to any other taxes which the town may lawfully impose, it shall have the right to levy a special waterworks tax annually against every lot fronting or abutting on any street, lane or public highway, which is traversed by the waterworks system, of an amount not exceeding five cents per lineal foot, which shall be known as a waterworks charge, but any bylaw providing for exceptional assessment which the council may pass for the purpose of local improvements shall regulate and control the extent of the frontage on which such charge shall be imposed.

1903

## CHAPTER 31

An Ordinance to amend Chapter 41 of the Ordinances of 1900, intituled "An Ordinance to incorporate the Town of Yorkton."

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Subsection 4 of section 3 of *An Ordinance to incorporate the Town of Yorkton* is hereby amended by striking out clause (d). <sup>Section 3 amended</sup>

1903

## CHAPTER 32

An Ordinance to amend Chapter 28 of the Ordinances of 1899, intituled "An Ordinance to incorporate the Town of Strathcona."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

New section      **1.** Section 1 of *An Ordinance to incorporate the Town of Strathcona* is hereby repealed and the following substituted therefor:

Area of Town of Strathcona      " **1.** From and after the coming into force of this Ordinance river lots seven, nine, eleven, thirteen, fifteen, fifteen "a," seventeen and the most northerly sixty-eight acres of river lot nineteen, of the Edmonton settlement; also those portions of section twenty-nine and the north half of section twenty in township fifty-two in range twenty-four west of the fourth meridian lying to the east of the Calgary and Edmonton trail; also the fractional north-west quarter of section twenty-one, and the fractional west half of section twenty-eight, in township fifty-two, in range twenty-four, west of the fourth meridian, all of which lands are in the Provisional District of Alberta, shall be a town municipality under the name of the Town of Strathcona."

No assessment for 1902 in added portion      **2.** No assessment shall be made by the said municipality during the year 1903 upon property not heretofore included within the said Town of Strathcona.



1903

## CHAPTER 33

An Ordinance respecting certain kinds of contemplated Municipal Public Works for the Town of Moose Jaw.

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. This Ordinance may be cited as "*The Moose Jaw Municipal Public Works Ordinance*." Short title

### WATERWORKS, SEWERS AND ELECTRIC LIGHT.

2. The corporation of the Town of Moose Jaw hereinafter called the corporation shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct waterworks, sewers and electric lights and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighbourhood thereof as hereinafter provided, and either in connection with waterworks or not a system of storm sewers or sanitary sewers or both. Corporation may construct waterworks

3. The corporation shall have power to employ such engineers, surveyors and other persons, and to rent with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or purchase at the option of the corporation, such lands and buildings, waters and privileges as, in their opinion, may, during the construction or at any future time, be necessary or expedient to enable them properly to carry out the purposes of this Ordinance. Powers

4. The corporation, their engineers, servants and workmen from time to time, and at such times as the municipality shall see fit, may enter into and upon, take or use the land of any person, bodies politic or corporate in the municipality or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of the waterworks or sewers and may contract with the owner or occupier of the said lands, and any person having a right or interest in any water, for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of the waterworks or sewers at the option of the corporation. Power to enter upon and acquire lands

Construction  
of necessary  
works

**5.** The corporation may construct, erect and maintain in and upon any lands acquired under the provisions of this Ordinance all reservoirs, waterworks and machinery requisite for the undertaking, and for conveying the water thereto and therefrom in, upon and through any lands lying intermediate between said reservoirs and waterworks, and the rivers, ponds, springs, streams or waters from which the same are procured, and the municipality by one or more lines of pipes as may from time to time be found necessary or expedient.

Power to enter  
upon  
intermediate  
lands

**6.** The corporation and their servants under their authority, may for the said purposes, enter and pass upon and over the said lands intermediate as aforesaid, and the same may cut and dig up if necessary, and may lay down the said pipes through the same and in, upon, through, and under the highways, streets, lanes, roads or other passages intermediate as aforesaid and may for the purpose of sewerage enter and pass upon and over such lands as the corporation may deem expedient and the same may cut and dig up if necessary and may lay sewers through the same and in, through, over and under highways, streets, lanes, roads or other passage.

(2) All lands not being the property of the municipality, and all highways, roads, streets, lanes or other passages so dug up or interfered with, shall be restored to their original condition without unnecessary delay.

(3) The corporation may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the said corporation may think necessary and proper for the making and maintaining of the said works or for the opening of new streets required for the same, and for the purchasing of said lands required for the protection of the said works, or for preserving the purity of the water supply or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the community or for the uses of the corporation, or for the proprietors or occupiers of the land through or near which the same may pass.

Power to lay  
pipes

**7.** For the purpose of distributing water or for the purpose of sewerage as aforesaid the said corporation may sink and lay down pipes, tanks, reservoirs and other conveniences, and may from time to time alter all or any of the said works as well in the position as in the construction thereof, as they may deem advisable.

Property  
vested in  
corporation

**8.** All works, pipes, erections and machinery requisite for the undertaking shall be vested in and be the property of the corporation of the municipality constructing the said works.

Service pipes

**9.** Service pipes or sewers which may be required shall be constructed and laid down up to the outer line of the street by the corporation, and the corporation shall be solely responsible for keeping the same in repair.

(2) In case where vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken or with which the sewer is to be connected the corporation may, with the consent of the owner, lay the service pipes or sewers across such vacant space and charge the cost thereof to the owner of the premises or the owner may himself lay service pipes or sewers provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing, as hereinafter provided, of the service pipes or sewers if laid or repaired by the corporation (except the repairing of the service pipes or sewers from the main pipe to the outer limit of the street as aforesaid which shall be borne solely by the corporation) or of superintending the laying or repairing of the same, if laid or repaired by any other person, shall be payable by the owner on demand to the corporation, or if not paid, may be collected forthwith in the same manner as water rates; provided that in no case shall the expense of superintending the laying or repairing of such service if laid or repaired by any other person aforesaid exceed \$2.00.

**10.** The service pipes or sewers from the line of street to the interior face of the outer walls of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the corporation, shall be under their control, and if any damage is done to this portion of the service pipe or sewer or its fittings either by neglect, or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the corporation; and in default of his so doing, whether notified or not, the corporation may enter upon the lands where the service pipes are, and by their officers, agents or servants repair the same, and charge the same to the owner of the premises as hereinbefore provided.

Service pipes  
to be under  
control of  
corporation

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water tenant except in cases of accident, or for the protection of the building, or the pipes, and to prevent the flooding of the premises.

(3) Parties supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation.

**11.** Any person authorised by the corporation for that purpose shall have free access at proper hours of the day and upon reasonable notice given, and request made or in case of the written authority of a commissioner given in respect of the special case, without notice, to all parts of every building or other premises in which water is delivered and consumed, or which is served by a sewer, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service

Inspection of  
premises

pipe or connection within or without any house or building as they may deem expedient, and for this purpose, or for the purpose of protecting or of regulating the use of such meter may set or alter the position of the same, or of any pipe, connection or tap, and may fix the price to be paid for the use of such meter, and the times when and the manner in which the same shall be payable and may also charge for and recover the expenses of such alterations; and such price and expense of such alterations may be collected in the same manner as water rates.

Regulation of  
use of water  
and of rates

**12.** The corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time may fix the prices for the use thereof and the times of payments; and they may erect such number of public hydrants and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be paid for the use of water by hydrants or fire plugs and public buildings.

(2) The sum payable by the owner or occupant of any house, tenement, lot or part of a lot for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Ordinance to be collected in the same manner as water rates, shall be a preferential lien and charge on the house, tenement, lot or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Power to make  
and enforce  
bylaws for  
maintenance  
and  
management  
of works and  
collection of  
rates

**13.** The corporation may from time to time make and enforce bylaws, rules and regulations for the general maintenance or the management or conduct of the waterworks and of the officers and others employed in connection with them, not inconsistent with this Ordinance, and for the collection of the water rates and for fixing the time and times when, and the places where the same shall be payable; and also for allowing a discount for prepayment and in case of default in payment may enforce payment by shutting off the water, or by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant, or of any goods and chattels in his possession, wherever the same may be found, within ten miles of the property in respect of which the water rate is payable, or of any goods and chattels found on the premises, the property of or in the possession of other occupant of the premises; but where the arrears exceed three months no distress shall be made of any goods and chattels which are not the property of the person liable for the water rate.

(2) The distress and sale may be conducted in the same manner as distress sales are conducted for arrears of taxes, and the costs chargeable shall be those payable under *An Ordinance respecting Distress for Rent and Extra-judicial Seizure.*



**14.** The corporation shall have power to employ the ordinary collectors and assessors and such other persons as in their opinion may be necessary to carry out the objects of this Ordinance, and to specify their duties and to fix their compensation and all such persons shall hold their offices at the pleasure of the corporation, or as the corporation shall determine by bylaw in that behalf, and shall give security as the corporation shall from time to time require, and such assessors and collectors shall have full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the municipality may by law possess and enjoy in respect of municipal taxes

Power to  
employ  
collectors and  
others

**15.** The corporation of the municipality shall not be liable for damages caused by the breaking of any service pipes or attachment in the absence of negligence, or for any shutting off of any water to repair mains; provided that reasonable notice of the intention to shut off the water shall be given whenever the same is intended to be shut off for more than six hours at any one time.

Nonliability  
for breakage or  
stoppage

**16.** The said corporation shall have power and authority to supply with water, upon special terms, any person or corporation outside the municipality, and may exercise all other power necessary to the carrying out of their agreement with such corporation or person, as well within the suburbs as within the municipality, and they may also, from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory, provided that where such water is to be supplied in another municipality which itself possesses waterworks, no pipes for this purpose shall be carried in, upon, through, over or under any highway, or public street, lane, road or passage within such other municipality without the consent of the council of such municipality; in such case the agreement may be for a term of years or otherwise as may be agreed upon.

Power to  
supply water  
outside  
municipality

**17.** The corporation may make such bylaws as to the council may seem requisite for prohibiting, by fine not exceeding \$20 and costs, or by imprisonment in the first instance, for any term not exceeding one month, any person being tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, from lending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her or their own use and benefit or from increasing the supply of water agreed for with the corporation, or from wrongfully neglecting or improperly wasting the water.

Power to make  
bylaws  
prohibiting  
wrongful use  
of water and  
regulating  
supply

(2) And may also make bylaws regulating the time, manner, extent and nature of the supply by the works, to the tenement,

or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing related to or connected therewith which it may be necessary or proper to direct, regulate, or determine, in order to secure the inhabitants of the municipality a continued and abundant supply of pure and wholesome water and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment shall be in the discretion of the justice of the peace before whom any proceedings may be taken for the enforcement of such bylaw.

Petition for  
construction of  
waterworks

**18.** In case a petition signed by two-thirds of the resident ratepayers of the municipality qualified to vote on bylaws requiring the assent of the electors is presented to the council of the corporation asking for the construction of waterworks under the powers conferred on the corporation by this Ordinance—

(2) It shall be the duty of such council to submit a bylaw for the construction of such waterworks to the vote of the ratepayers of the corporation, and such council shall forthwith prepare a bylaw directing the submission of the question in accordance with the prayer of the petitioners or in such form as may be approved by the vote of two-thirds of the members of such council, and shall submit the same to the vote of the ratepayers within six weeks after the receipt of the petition by the council.

(3) The power of the municipal council shall not be deemed to be abridged by this Ordinance, except as expressly stated herein.

(4) The proceedings in taking the vote, and the persons having the right to vote, shall be the same as nearly as may be as are required by *The Municipal Ordinance* in case of bylaws creating debts.

If bylaw  
approved  
council to  
construct  
works

**19.** If the bylaw be approved of by two-thirds of the duly qualified ratepayers voting thereon, it shall be the duty of the council to pass the bylaw and forthwith to proceed in the construction of the works; provided always that the council may, for any good cause, if deemed expedient by a vote of two-thirds of its members, hold the works in abeyance until after the next general municipal election.

#### LIGHTING, HEATING AND POWER WORKS.

Corporation  
may construct  
gas works, etc.

**20.** The corporation shall have power to manufacture and supply for the use of the corporation, and of all persons, gas (including natural gas), for heating, cooking and all other

purposes for which gas can be used, and to manufacture and supply electric, galvanic or any other artificial light or heat or power either in connection with gas or otherwise, and for these purposes shall have power to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which they may deem requisite; and shall have power to acquire any patent or other rights for the manufacture or production of any artificial light or heat or power, and also to supply, sell or lease all fittings, machines, apparatus, meters or other things for the purposes aforesaid.

(2) The corporation may sell or dispose of coke, tar and every other product refuse, or residue obtained in or from their said works and any surplus of coal they may have on hand.

(3) The corporation shall have power to rent, or purchase such lands and buildings as they deem necessary or advantageous for the purposes aforesaid.

**21.** The corporation, or their servants under their authority, may for the purpose of laying down, taking up, examining, or keeping in repair the pipes or wires used for conducting the gas, electricity, or other means of producing light or heat, or power, break up, dig and trench in, upon, through, over and under the highways, streets, lanes, roads, squares and other public passages and places in the municipality; or, with the consent of the owner, in, upon, through, over or under, any private property; or may, upon poles or otherwise, conduct such wires and rods along and across such streets, lanes, roads, squares and other public passages and places, or with the consent of the owner upon private property. Corporation may break up streets and

**22.** Where there are buildings within the municipality different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the corporation may with the consent of the owner carry pipes, wires or rods to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more tenants, to convey the gas, electricity, or other means of providing light or heat or powers to the property of another, or in the possession of another. May carry pipes and wires through parts of buildings

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same inside.

**23.** The corporation may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein, for the purpose of laying down pipes or wires, or taking up or repairing or examining the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay. May also break up passages

Public health  
and safety not  
to be  
endangered

**24.** The corporation shall construct their gas and other works, and all apparatus and appurtenances thereunto belonging or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health or safety.

Corporation to  
supply  
buildings on  
request

**25.** Where the corporation has constructed any works for supplying the municipality with light, heat or power, as herebefore provided, and where there is a sufficient supply thereof it shall be the duty of the corporation to supply all buildings within the municipality situate upon land lying along the line of supplies, upon the same being requested by the owner, occupant or other person in charge of any such building at the customary charges and on the customary terms.

Powers to  
make bylaws  
for  
maintenance  
and  
management  
of works and  
collection of  
rates

**26.** The corporation may from time to time make and enforce all necessary bylaws, rules and regulations for the general maintenance and management of all the works constructed or maintained under this Ordinance, and of the officers or others employed in connection with them, and for the collection of the rates and charges for supplying gas or electricity, or other means of providing light or heat or power hereunder and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges, and rents, and the times and places when and where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they may deem expedient.

Power to  
enforce  
payment of  
rates

**27.** The corporation may enforce payment of such rates, charges or rents by action in any court of competent jurisdiction, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found in the municipality in which the gas, electricity or other means of providing light, heat or power is supplied.

(2) Such distress and sale shall be conducted in the same manner as distress sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under *An Ordinance respecting Distress for Rent and Extra-judicial Seizure*.

(3) Where any consumer discontinues the use of gas or other means of providing light or heat or power furnished by the corporation, or the corporation lawfully refuses to continue any longer to supply the same, the officers and servants of the corporation may at all reasonable times enter the premises in or upon which such consumer was supplied with gas, or the means of providing light or heat or power, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage.



**28.** The corporation may, under a bylaw of an adjoining municipality, exercise the like powers within the adjoining municipality as it may under this Ordinance within its own municipality, upon such terms as may be agreed upon; and the corporation of the adjoining municipality may either require to be paid a sum in gross, or annually, for such privilege or may pay a sum in gross or annually therefor.

Power to  
carry works  
into an  
adjoining  
municipality

**29.** In case any person, firm or company has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of a municipality the corporation shall not, without the consent of such person, firm or company first had and obtained, nor otherwise than upon payment to such person, firm or company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas within six feet of the main pipes of such person; firm or company or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. This section is subject to any antecedent agreement between such person, firm or company and the municipal corporation.

Restrictions  
when mains  
laid by an  
existing  
company

#### GENERAL.

**30.** The corporation shall do as little damage as may be in the execution of the powers by this Ordinance granted to them, and shall make reasonable and adequate satisfaction to the owners, occupiers or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the corporation or injuriously affected by the exercise of its powers; and in case of disagreement the compensation or damages shall be ascertained as provided in like cases in *The Municipal Ordinance*.

No  
unnecessary  
damage to  
be done

**31.** The attempt to collect any rates by process hereinbefore mentioned shall not in any way invalidate the lien on the premises as hereinbefore provided.

Attempt to  
collect rates  
not to  
invalidate  
lien

(2) In event of the rate remaining uncollected and unpaid and continuing a lien upon the said premises as aforesaid the amount of the rate so in arrears shall be returned by the collectors to the secretary treasurer of the municipality annually on or before the eighth day of April in each and every year, or such other time as may be fixed by the corporation by bylaws in that behalf, and the same, together with interest at the rate of six per cent. per annum thereon shall thereupon be collected by the secretary treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of lands for arrears of municipal taxes, for the time being.

**32.** The corporation and their officers, agents and servants shall have the like protection in the exercise of their respective

Protection and  
powers of  
officers

offices, and the execution of their duties as public officers have under the laws of the Territories, and the watchman, and other officers of the corporation, when in the discharge of their duties, shall be ex officio possessed of all powers and authority of constables.

Property  
exempt from  
execution

**33.** All materials procured, or partly procured under contract with the corporation, and upon which the corporation shall have made advances in accordance with such contract, shall be exempt from execution.

Property  
exempt from  
taxation

**34.** The lands, buildings, machinery, reservoirs, pipes, poles, wires, rods, meters, fittings, and all other real or personal property connected with or appertaining or belonging to any work under this Ordinance shall be exempt from taxation for municipal, school or other purposes.

Property  
exempt  
from seizure  
for distress

**35.** No property owned by the corporation under the authority of this Ordinance shall be liable to seizure by way of distress for rent.

Power to sell  
property when  
no longer  
required

**36.** The corporation may dispose of any real or personal property acquired by them for the purposes of this Ordinance when no longer required and, until sold, may rent or lease the same; any property so sold shall be free from any charge or lien on account of any mortgage, bonds, debentures or other securities issued by the corporation, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon, but may be reinvested in similar property under the authority of this Ordinance, which substituted property shall immediately upon its being acquired be and become subject to such securities as the property sold was subject to; or should no such securities then exist then the said proceeds shall form part of the general funds of the corporation and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property the corporation may take security by way of mortgage to secure the same, and the corporation shall have all the rights, powers and remedies expressed in or implied by any mortgage given as fully as if the mortgage had been given to a private person, and every such mortgage, and the proceeds thereof, shall be subject to the provisions of the first subsection of this section.

No member  
of council to  
be interested  
in any  
contract

**37.** No member of the council of the municipality shall personally have or hold any contract in connection with any works under this Ordinance, or be directly or indirectly interested in the same, or any of them, but no person shall be held to be disqualified from being elected or sitting as a member of the council of the corporation by reason of his being a taker or consumer of water, light, heat or power supplied by the

corporation, or by reason of any dealing or contract with the corporation with reference to the supply of water, light, heat or power to such person.

**38.** All persons and corporations who shall by themselves, <sup>Liability of persons doing damage</sup> their servants or agents, by act, default, neglect or omission, occasion any loss, damage or injury to the public works constructed under the provisions of this Ordinance or to any plant, machinery, fitting or appurtenances thereof, shall be liable to the corporation for or in respect of such damage, loss or injury and damages in respect thereof may be recovered by the corporation in any court of competent jurisdiction.

**39.** The corporation may purchase or lease any works constructed for the supply of water, light, heat and power within <sup>Power to purchase or lease existing works</sup> or in the neighbourhood of the municipality and being the property of any person or company and, under the provisions of this Ordinance, may improve and extend such works.

**40.** If any person does or commits any of the following <sup>Penalties</sup> acts—

(1) Wilfully or maliciously hinders or interrupts, or causes, or procures to be hindered or interrupted the said corporation, or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Ordinance authorised and contained;

(2) Wilfully or maliciously lets off or discharges water or gas, so that the same runs waste or useless;

(3) Not being in the employment of the corporation and not being a member of the fire brigade and duly authorised in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber pipe, or hydrant chamber, by placing on it any building material, rubbish or other obstruction;

(4) Throws or deposits any injurious, noisome, or offensive matter into the water or waterworks, or upon the ice in case such water is frozen, or in any way fouls the water or commits any wilful damage or injury to the works, pipes, or water, or encourages the same to be done;

(5) Wilfully alters any meter placed upon any service, pipe or connected therewith, within or without any house, building or other place, so as to lessen or alter the amount of water, gas or electricity registered thereby, unless specially authorised by the corporation for that particular purpose and occasion;

(6) Lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe or main or wire or rod of the works, or in any way obtains or uses any water, gas or electricity thereof without the consent of the corporation;

(7) Washes or cleanses cloth, wool, leather, skin, or animals, or places any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks, in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained, or conveys, casts, throws or puts any filth, dirt, dead carcass, or other noisome or offensive thing therein, or within the distance as above set forth, causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled, and if such person is convicted of such act before a justice of the peace, he shall, for every such offence, forfeit and pay a sum not exceeding \$20 and not less than \$1, together with the costs and charges attending the proceedings and conviction, or such offender may be imprisoned in the first instance for any term not exceeding thirty days.

Application of  
penalties

**41.** The penalties in money under the last preceding section, or any portion of them which may be recovered, shall be paid to the convicting justice, and by him paid, one half to the treasurer of the corporation, and the other half to the prosecutor unless the prosecutor is the officer or servant of the corporation, in which case the whole of the penalty shall be paid to the corporation.

May be  
constructed as  
separate  
undertaking

**42.** Any municipal public work provided for in this Ordinance may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted either separately as distinct undertakings, or in conjunction as one entire undertaking.

Money  
borrowed to  
be a charge  
on works

**43.** It is hereby provided that any public work or works constructed or acquired under this Ordinance, and all lands acquired for the purpose thereof, and every matter and thing appertaining thereto, and all revenues derived therefrom shall be held to be entirely separate from all other assets of the municipality, and shall not be liable for any debt of the municipality heretofore or hereafter contracted by the municipality on the credit of the municipality at large, and such public work or works, lands, appurtenances and revenues shall be and are hereby specially charged with the repayment of any sum or sums of money, which may be borrowed at the credit thereof by the corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such securities shall have a preferential lien and charge on the said works, lands, appurtenances and revenues for the securing of the repayment of the same and the interest thereon, irrespective of the order in which the same are issued.

Application of  
revenue

**44.** After the construction of the works all the revenues arising from and out of the supplying of water, light, heat or



power, or from the real and personal property connected with the works to be acquired by the corporation under this Ordinance, after providing for the expenses attendant upon the maintenance of the works, and after payment of the amount payable for principal and interest, or sinking fund and interest, up to the end of the then current year, shall, year by year, be transferred to and form part of the general funds of the corporation and may be applied accordingly.

**45.** For the purpose of any such public work or works, constructed or acquired, or intended so to be, the corporation may, by the procedure provided in similar cases, under *The Municipal Ordinance*, borrow on the security of such public work or works, lands, appurtenances and revenues, and not on the credit of the municipality at large, such sum or sums of money at any time, and from time to time as the corporation may deem expedient or necessary, on such terms of repayment, and at such rates of interest, not exceeding seven per cent. as can be arranged, and may provide for repayment of the principal either in instalments or by way of a sinking fund, running over any term of years that they shall deem proper, and may issue mortgages, debentures or other securities accordingly.

**46.** It is hereby declared that the powers of borrowing and issuing of debentures in this Ordinance provided for are not to be accounted as diminishing the powers of the municipality to borrow and issue debentures conferred by *The Municipal Ordinance*, nor are they to be taken as restricting the power of the municipality to borrow and issue debentures on the credit of the municipality at large under *The Municipal Ordinance* within the limit of amount therein provided for, for the purpose of constructing or purchasing any such public work or works, or assisting therein, and in borrowing for the purposes aforesaid, or for the purpose of constructing a system of sewerage in connection with a system of waterworks, the municipality in borrowing, whether under the provisions of this Ordinance, or of *The Municipal Ordinance*, may extend the time of repayment for any term up to fifty years.

(2) Debentures issued in pursuance of a bylaw passed under the authority of this Ordinance may be dated as of the actual date of the issue thereof, provided such date be within four years from the date of the final passing of the bylaw, and may be made payable in such manner that for the first five years succeeding their date interest only shall be payable.

**47.** The corporation may by itself, or by its officers, exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon the corporation of such municipality, or such council may, either before the commencement of the works or at any time while they are in course of construction, or after their completion by bylaw provide for the appointment of one or more commissioners for such purpose.

(2) Upon the appointment of a commissioner, or commissioners all the powers, rights, authorities or immunities which, under this Ordinance, might have been exercised or enjoyed by the council, and the officers of the corporation acting for the corporation shall, and may be exercised by the commissioner or commissioners, and the officers appointed by him or them, and the council thenceforth, during the continuance in office of such commissioner or commissioners, shall have no authority in respect of such works.

(3) But any officer or employee appointed or employed by the council in or about the construction or management of the works shall be continued until removed by the commissioner or commissioners, unless his engagement shall sooner terminate.

(4) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works, and the secretary treasurer of the municipality shall upon the written certificate of the commissioner or commissioners pay out any moneys so provided.

Bylaw  
appointing  
commissioners  
to be approved  
by Lieutenant  
Governor

**48.** The commissioner or commissioners shall be appointed from time to time by bylaw of the council on such terms and at such a salary as they may deem expedient, but such bylaw shall not take effect until approved by the Lieutenant Governor in Council, and shall cease to be valid after one month's notice from the Lieutenant Governor in Council that such approval has been withdrawn, and no repeal or amendment of any such bylaw appointing a commissioner or commissioners shall be valid unless nor until such repeal or amendment has been approved in like manner, except as hereinafter provided.

Security of  
commissioner

**49.** Every commissioner shall, before taking office, give such security for the performance of his duties as the council shall require.

Commissioner  
not to be  
interested in  
any contract

**50.** No commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works, or be directly or indirectly interested in the same or any of them.

Council may  
remove  
commissioners  
and assume  
work

**51.** The council of the municipality in case the construction of the works be entrusted to a commissioner or commissioners may by bylaw at any time assume the work, remove the commissioner or commissioners, apportion their current year's salary and proceed with and manage the works and in such case all the rights, powers, authorities, immunities, duties and liabilities then belonging to the commissioner or commissioners shall be transferred to and vested in the council; but any officer or employee appointed or employed by the commissioner or commissioners in or about the construction or management of the works shall be continued until removed by the council unless his engagement be sooner terminated.

**52.** The commissioner or commissioners shall keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the works distinct from the books and accounts relating to the other property, funds or assets belonging to the works, and all such books shall be open to the examination of any person appointed for that purpose by the council.

Accounts to be kept by commissioners

(2) The commissioner or commissioners, on or before the 15th day of January in each year, or upon such other day as the council may name, shall cause a return to be made to the council containing a statement of the affairs of the works, which shall show the amount of the rents, issues and profits arising from the works, and the number of consumers during the previous year; the extent and value of the movable and immovable property belonging to the works, the amount of debentures then issued and remaining unredeemed and uncanceled, and the interest paid thereon, or yet due and unpaid, and the state of the sinking fund, the expenses of collection and management and all other contingencies, the salaries of officers and servants, the costs of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may have been acquired for the use of the works, and generally such a statement of the revenue and expenditure of the works as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the works.

(3) The commissioner or commissioners shall also from time to time furnish such information as may be required by the council.

(4) All accounts relating to the works shall be audited by the auditor for the corporation in regular course, and the commissioner or commissioners, and all the officers, shall furnish to the officers such information and assistance as may be in their power to enable the officers to properly audit such accounts.

**53.** The commissioner and commissioners and the clerks employed in their revenue service shall be sworn before a justice of the peace for the faithful performance of their duties and the commissioner or commissioners shall keep a book for the purpose of recording the whole of their official proceedings, and such book shall be open for inspection in the same manner as the books mentioned in the next preceding section.

Oath of office and records of proceedings

**54.** The corporation may pass bylaws for contracting debts by borrowing money or otherwise and for levying rates for the payment of such debts on the ratable property of the municipality for the purpose of constructing any public work or works under the provisions of this Ordinance, or assisting therein, in which event, but for such purposes only, the municipality shall have power to pass such bylaws for contracting debts to the extent of but not to a greater extent than twenty per cent.

Increased borrowing powers

of the assessed value of the assessable property in the said municipality and in the event of the municipality having funds or securities to the credit of a sinking fund, the amount thereof for the time being, and the difference only shall for the purposes of this section be deemed the amount of the actual indebtedness of the municipality for the time being.



1903

## CHAPTER 34

An Ordinance to amend Chapter 42 of the Ordinances of 1900, intituled "An Ordinance to incorporate The Regina Victoria Hospital."

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Section 3 of *The Regina Victoria Hospital Ordinance* is <sup>Section 3</sup> hereby amended by striking out the word "nine" where it <sup>amended</sup> occurs therein and substituting therefor the word "fifteen."

2. Section 5 of the said Ordinance is hereby repealed and <sup>New Section 5</sup> the following substituted therefor :

"5. The board of directors shall every year at their first meeting after election appoint from among themselves a chairman and also appoint a secretary and a treasurer or a secretary treasurer."

3. Section 15 of the said Ordinance is hereby amended by <sup>Section 15</sup> adding thereto the following subsection : <sup>amended</sup>

"(3) In addition to the three directors required by the first subsection of this section to be elected at the annual meeting in 1903 there shall be elected at the adjourned annual meeting in 1903 two directors who shall retire at the annual meeting in 1904 when their successors shall be appointed; two directors who shall retire at the annual meeting in 1905 when their successors shall be appointed, and two directors who shall retire at the annual meeting in 1906 when their successors shall be appointed."

1903

## CHAPTER 35

An Ordinance further to amend Ordinance No. 22 of 1890, intituled "An Ordinance to incorporate a General Hospital at Calgary."

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

Section 2  
amended

1. The section substituted by section 1 of chapter 25 of the Ordinances of 1899 for section 2 of *The Calgary General Hospital Ordinance* is hereby amended by striking out the word "forty" where it occurs therein and substituting therefor the words "one hundred."

1903

## CHAPTER 36

An Ordinance to amend Ordinance No. 39 of 1894, intituled "An Ordinance to incorporate The Galt Hospital."

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Section 3 of *The Galt Hospital Ordinance* is hereby <sup>New section 3</sup> repealed and the following substituted therefor :

"3. The affairs of said corporation shall be managed by a <sup>Board of</sup> board of management, consisting of nine members, which shall <sup>management</sup> be composed of the said Elliott T. Galt, William M. Ramsay, John Galt and Alexander T. Galt and their successors elected as hereinafter provided, who are herein called the original incorporators, and three others to be appointed as hereinafter provided in section 5 of this Ordinance, and two to be elected by the members of the corporation at the annual meeting thereof."

1903

## CHAPTER 37

An Ordinance to amend Chapter 23 of the Ordinances of 1902, intituled "An Ordinance to incorporate The Yorkton Queen Victoria Cottage Hospital."

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Change of  
name

1. *The Yorkton Queen Victoria Cottage Hospital Ordinance* is hereby amended by substituting the name "Queen Victoria Cottage Hospital at Yorkton" for the name "Yorkton Queen Victoria Cottage Hospital" wherever it occurs therein.



1903

## CHAPTER 38.

### An Ordinance to incorporate The Moose Jaw General Hospital.

[Assented to April 25, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Richard Bogue, Arthur Hitchcock, Charles Unwin, Edward N. Hopkins, John Bellamy, John T. Simpson, Samuel K. Rathwell, Thomas Miller, Fred W. Green, John H. Grayson, Alfred R. Turnbull, Samuel W. Radcliffe, James W. McCulloch, Frank J. Grobb, Joseph E. Battell, Frank Forge, William Watson, George Malcolm Annable, William C. Sanders, John D. Reid, John Gallagher, William Walsh, William Grayson and such other persons as may from time to time become members of the corporation to be incorporated shall be and are hereby constituted a body politic and corporate by and under the name of "The Moose Jaw General Hospital."

The Moose  
Jaw General  
Hospital  
incorporated.

2. The said corporation by the name of "The Moose Jaw General Hospital" shall have perpetual succession and a common seal; and by such name may from time to time and at all times, purchase, acquire, receive, accept, build, hold, possess and enjoy for them and all their successors any lands, tenements, hereditaments and real and movable property and estate within the Territories together with such grants, devises, gifts and bequests as may be made by and received from the government of the Dominion of Canada, the North-West Territories, the Town of Moose Jaw and any other corporation, person or persons whatsoever for the sole use and benefit of the said hospital, provided always that the actual value of such real estate so held as aforesaid does not at any one time exceed the sum of sixty thousand dollars.

Power to hold  
land.

3. The affairs of the said corporation shall be managed by a board of directors consisting of twenty-three members of whom seven shall constitute a quorum; and the said Richard Bogue, Arthur Hitchcock, Charles Unwin, Edward N. Hopkins, John Bellamy, John T. Simpson, Samuel K. Rathwell, Thomas Miller, Fred W. Green, John H. Grayson, Alfred R. Turnbull, Samuel W. Radcliffe, James W. McCulloch, Frank J. Grobb, Joseph E. Battell, Frank Forge, William Watson, George Malcolm Annable, William C. Sanders, John D. Reid, John

Board of  
directors.

Gallagher, William Walsh and William Grayson shall constitute a first board of directors and shall hold office as such directors until their successors are appointed as is hereinafter provided.

Care of sick.

**4.** The board of directors shall employ proper persons to attend the sick placed in the said public hospital and provide for the interment of the dead; and may appoint committees of one or more of their number to execute the orders of the said board.

Officers.

**5.** The board of directors shall every year at their first meeting after election appoint from among themselves a chairman and also appoint a secretary and a treasurer or a secretary treasurer.

Meetings.

**6.** Said board of directors shall have power to meet from time to time for the transaction of the affairs of the said corporation; and in the absence of the chairman or secretary any director may be appointed to act for the time being as such chairman or secretary.

Bylaws.

**7.** The said board of directors shall have power to make bylaws, rules and regulations not being contrary to law, and power to amend or repeal from time to time the same for all purposes relating to and bearing upon the well being and interest of the said corporation.

Subscribers to  
be members.

**8.** All annual subscribers who have paid such sum as may be fixed by the bylaws of the said board of directors and whose names shall appear in the book kept for that purpose shall be members of the said corporation and shall have the right to take part in the annual meeting of the said corporation.

Life  
membership.

**9.** A donation at any time of fifty dollars or upwards shall entitle the donor to life membership.

Qualification  
of directors.

**10.** All members who shall have paid their annual subscription as provided in section 8 and all life members and all subscribers of twenty-five dollars and upwards shall be eligible for election as directors.

Annual  
meeting.

**11.** There shall be a general annual meeting of the members of the said corporation on the third Monday in January in each year at an hour and place to be named by the directors; and notice thereof shall be given by the secretary by written notice and shall be published in one or more of the newspapers published in the Town of Moose Jaw at least six days previous to the day of such meeting.

Directors to  
hold office  
until annual  
meeting held.

**12.** If from any cause the general meeting shall not be held on the said third Monday of January the directors

and officers of the said corporation then in office shall continue in office until such general annual meeting is held and their successors duly appointed as hereinafter provided.

**13.** If such general annual meeting shall from any cause not be held on the day hereinbefore appointed for the same then it shall be lawful for the directors then in office to decide upon another day for the holding of a general annual meeting which day shall be within two months after the time when the same should have been held; and such meeting shall be called in the same manner as is provided by section 11 for the general annual meeting; and at such meeting all business may be transacted and all things done in the same manner as the same would have been transacted and done if such meeting had been held on the day provided by section 11 for holding the general annual meeting.

**14.** A full report shall be submitted by the directors to the said general meeting for its consideration and approval showing the condition of the affairs of the said corporation, including the treasurer's report, steward's report, receipts and disbursements and all other matters bearing on the interests of the said corporation, including the list of members.

**15.** At the annual meeting in 1904 the seven directors last mentioned shall retire from office and seven directors shall be elected by ballot to succeed them; at the annual meeting in 1905 the second seven directors mentioned shall retire from office, and seven directors shall be elected by ballot to succeed them; at the annual meeting in 1906 the first nine directors mentioned shall retire from office and nine directors shall be elected by ballot to succeed them.

(2) All directors elected at an annual meeting pursuant to the provisions of this section shall hold office for three years from the time of their election and until their successors are elected.

**16.** The said general meeting shall elect an auditor for the ensuing year and the board of directors at the first meeting thereafter shall also appoint an auditor and it shall be the duty of such auditors to examine and report upon all accounts affecting the said corporation or relating to any matter under its control or within its jurisdiction for the year previous and shall prepare an abstract of the receipts, expenditure and liabilities of the said corporation and shall submit the same to the directors not less than three days before the said general annual meeting.

**17.** It shall be the duty of the said corporation on or before the fifteenth day of January in each year to transmit to the Lieutenant Governor for the information of the Legislative Assembly of the North-West Territories a return of the affairs

of such corporation showing in detail the assets and liabilities and the number of sick persons received and attended to specifying the nature of their sickness during the preceding year in the said general hospital.

Vaccination.

**18.** The directors of such corporation shall if they have been requested so to do by the Lieutenant Governor in Council and provided they are in receipt of public funds of the Territories keep in such hospital at such time and for such period as may be determined by the Lieutenant Governor in Council an adequate supply of vaccine matter for the following purposes namely :

- (a) For the vaccination by a qualified person attached to such hospital at the expense of the same, all poor persons and (at their own expense) of all other persons who may attend at such hospital for that purpose on one day in each week of such period ; the fee to be charged for such vaccination not in any case to exceed seventy-five cents ; and the money derived from such fees shall be used and applied for the benefit of the hospital.

Non-denominational.

**19.** The said corporation shall in its management be always non-denominational.

Borrowing power.

**20.** The directors of the said corporation shall have power to borrow money upon the security of the property of the said "The Moose Jaw General Hospital" either by mortgage debenture or otherwise as they may deem proper.

Short title,

**21.** This Ordinance may be cited as the "*Moose Jaw General Hospital Ordinance*."



1903

## CHAPTER 39

### An Ordinance to incorporate "Western Canada College."

[Assented to June 19, 1903.]

**W**HEREAS James Muir, William Pearce, P. Turner Bone, <sup>Preamble</sup> Patrick Burns, F. W. G. Haultain, A. C. Rutherford, R. Secord, R. A. Wallace, J. A. Simpson, P. Talbot, A. S. Rosenroll, J. W. Shera, J. Woolf, W. T. Finlay, G. A. Anderson, Thomas Underwood, W. R. Hull, Murney Morris, John J. Young, R. J. Hutchings, Charles A. Stuart, C. F. P. Conybeare, Thomas Tweed, Malcolm McInnes, George A. Kennedy, A. T. Cushing, C. T. Jones, L. H. Doll, John A. Turner, H. Neilson, John A. Nolan, George Hope Johnston, D. W. Marsh, Thorburn Allan, J. S. Mackie, W. J. Binning, C. W. Rowley, W. H. Hogg, F. McBeth, N. D. Jackson, S. J. Clarke, C. F. Comer, J. C. McNeil, J. C. Linton, A. M. Grogan, H. A. Perley, W. B. Barwis, W. C. Armstrong, F. F. Higgs, C. W. Peterson, James Findlay, James Short, C. W. Fisher, R. B. Bennett, A. McTavish, J. C. Herdman, George Lane, W. M. Davidson, Carl Weiting, Wendell Maclean, and others by their petition in this behalf have represented that they are desirous of associating themselves together for the purpose of establishing, maintaining and conducting an institution of learning for the education of youths of both sexes and the said petitioners have prayed to be incorporated under the name of "Western Canada College" and whereas it is expedient to grant the prayer of the said petition :

**T**HEREFORE the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

**1.** James Muir, William Pearce, P. Turner Bone, Patrick <sup>Incorporation</sup> Burns, F. W. G. Haultain, A. C. Rutherford, R. Secord, R. A. Wallace, J. A. Simpson, P. Talbot, A. S. Rosenroll, J. W. Shera, J. Woolf, W. T. Finlay, G. A. Anderson, Thomas Underwood, W. R. Hull, Murney Morris, John J. Young, R. J. Hutchings, Charles A. Stuart, C. F. P. Conybeare, Thomas Tweed, Malcolm McInnes, George A. Kennedy, A. T. Cushing, G. T. Jones, L. H. Doll, John A. Turner, H. Neilson, John A. Nolan, George Hope Johnston, D. W. Marsh, Thorburn Allan, J. S. Mackie, W. J. Binning, C. W. Rowley, W. H. Hogg, F. McBeth, N. D. Jackson, S. J. Clark, C. F. Comer, J. C. McNeil, J. C. Linton, A. M. Grogan, H. A. Perley, W. B. Barwis, W. C. Armstrong, F. F. Higgs, C. W. Peterson, James Findlay, James Short, C. W. Fisher, R. B. Bennett, A. McTavish, J. C. Herdman, George Lane, W. M.

Davidson, Carl Weiting, Wendell Maclean, and such other persons as shall hereafter become shareholders in the corporation hereby created are hereby constituted a body corporate and politic under the name of "Western Canada College," hereinafter called "the corporation," and they and their successors shall by the said name have perpetual succession and a common seal, and may under the said name sue and be sued, and shall have all the powers, rights and privileges incident to a corporation and as hereinafter mentioned.

Establishment  
of institution  
of learning

**2.** The corporation shall have power and legal authority to establish, equip, maintain and conduct in or near the City of Calgary an institution of learning for the education and instruction of youths of both sexes, or of either sex, in the elementary and higher branches of knowledge and to do all such acts, matters and things as are incidental or conducive to the attainment of the said objects.

To be unde-  
nominational

**3.** The said institution shall be undenominational and no religious test shall be required of any trustee, principal, master teacher, instructor, officer, or servant of the institution or corporation, nor shall religious observances according to the forms peculiar to any religious denomination be imposed on any such principal, master teacher, instructor, officer or servant, or any of them, or upon any pupil or student of the institution, but the board of trustees hereinafter provided for may make such regulations as they think expedient touching the physical and moral training and conduct of the pupils and students and for their attendance upon public worship in their respective churches or other places of religious worship and respecting their religious instruction by their respective ministers according to their respective forms of religious faiths and every facility shall be afforded for such purposes.

Power to hold  
property

**4.** The said corporation shall have power to take, receive, own, hold, purchase, take on lease or inexchange, hire or otherwise acquire any such real and personal property as the board of trustees may deem requisite, necessary or desirable for the purposes of the said institution and also to mortgage, sell, lease, transfer or otherwise dispose of the same or any part thereof and also to receive and hold for the benefit of the corporation all gifts, scholarships, bursaries or donations, special or general, and any legacies, devises or bequests of property, real or personal, on any trusts relating thereto which may be directly or indirectly for the benefit of the corporation and also to sell, transfer and convert into money all such property, real and personal, and to apply the proceeds thereof directly or indirectly to or for the benefit of the corporation.

Head office

**5.** The head office of the corporation shall be at the City of Calgary.

Capital stock

**6.** The capital stock of the corporation shall consist of the sum of fifty thousand dollars divided into five thousand shares

of ten dollars each, payable as follows: one-fifth in cash upon subscription and the balance in four equal annual instalments, the first of such instalments to be paid in one year from the date of subscription and the remaining instalments yearly thereafter as aforesaid.

7. The corporation may commence operations and exercise the powers hereby granted so soon as ten thousand dollars of the said shares shall be subscribed and twenty per cent. thereof paid thereon. Commencement of operations

8. The corporation in general meeting may from time to time make all such rules and regulations and pass all such bylaws and do all such acts and things not contrary to this Ordinance as they may deem necessary or desirable for carrying out the objects of the corporation and may at any such general meeting increase or reduce the number of trustees hereinafter provided for and may alter their qualifications and may also determine whether all or what number of or in what rotation such trustees shall in each or any year continue in or retire from office, provided that the number of such trustees shall in no case be less than seven nor more than fifteen. Rules and regulations

9. The control, regulation and management of the business and affairs of the corporation shall be vested in a board of trustees consisting of thirteen members to be elected by the shareholders as hereinafter provided and until the election hereinafter provided for takes place the following persons shall be the board of trustees: James Muir (who shall have power to convene the first meeting of the board of trustees at such time and place as he may deem proper), William Pearce, Thomas Underwood, John J. Young, C. F. P. Conybeare, Thomas Tweed, A. T. Cushing, Charles A. Stuart, Murney Morris, G. A. Anderson, P. Turner Bone, Malcolm McInnis and George A. Kennedy. Board of trustees

10. The first general meeting of the shareholders of the corporation shall be held in the City of Calgary at the office of the corporation on the first Wednesday in the month of September, in the year one thousand nine hundred and three, and thereafter a general meeting of the shareholders shall be held in each year at such time and place as the board of trustees shall from time to time direct, and at such first and subsequent general meetings the shareholders present in person or by proxy shall elect a board of trustees, provided that if for any reason the said meeting or meetings, or any of them, is not held at the time appointed therefor the previous board of trustees shall continue in office until their successors are elected. Annual general meetings

11. Any person holding five or more shares on which he or she is not in arrears for any payment thereon shall be eligible to be elected as a trustee and women as well as men shall be so eligible. Qualification of trustees

Votes of  
shareholders

**12.** At all meetings of the shareholders each shareholder shall have only one vote except upon the election of members of the board of trustees and at such election each shareholder holding less than ten shares shall have one vote and each shareholder holding ten shares but less than thirty shall have two votes and each shareholder holding thirty shares or more shall have three votes and no shareholder shall have more than three votes and every shareholder may in writing constitute any other shareholder his or her proxy to vote at such meetings and every such appointment shall be produced to and deposited with the person presiding at such meeting before the vote of such proxy shall be received, but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution; provided that any shareholder upon whose stock any instalment is in arrear and unpaid shall not be entitled to vote at any meeting.

Special gener-  
al meetings

**13.** In addition to the annual general meeting of the shareholders hereinbefore provided for, special general meetings of the shareholders may be convened by the board of trustees at such times and places as they may think fit and a special general meeting of the shareholders shall be convened at any time by the board of trustees on the requisition of any ten shareholders requiring them so to do and such requisition shall be in writing and shall specify the object of the meeting and shall be left with the secretary or other officer or member of the board of trustees and if the board of trustees shall fail to cause such meeting to be held within twenty-one days after the said requisition is left with the secretary or other officer as aforesaid such shareholders may call a general meeting by giving notice as hereinbefore mentioned; provided that no special general meeting called upon any such requisition shall enter upon any business not set forth in such requisition and notice.

Notice of  
meetings

**14.** Notice of all meetings of the shareholders shall be given by mailing not less than ten days before the dates of such meetings a prepaid circular letter addressed to each shareholder at his or her postoffice address as stated in the register of shareholders and such notice shall specify the place, day and hour of such meeting and in the case of a special general meeting called upon the requisition of any ten shareholders such notice shall also specify the object of such meeting.

Quorum

**15.** At all general meetings of the shareholders ten shareholders either in person or by proxy shall constitute a quorum and at every such meeting such person shall preside as the board of trustees may appoint and in default of such appointment or in the absence of the person so appointed the shareholders present may elect a person from their own number to preside.



**16.** Every meeting of the shareholders may be adjourned Adjournment from time to time as the shareholders present may by resolution decide.

**17.** The board of trustees in addition to the powers and Board of trustees to have power of shareholders authorities by this Ordinance expressly conferred upon them may exercise all such powers and do all such acts and things as may be exercised or done by the shareholders in general meeting and as are not hereby expressly directed or required to be exercised or done by the shareholders in general meeting but subject nevertheless to the provisions of this Ordinance and to any regulations from time to time made by the shareholders in general meeting; provided that no regulations so made shall invalidate any prior act of the board of trustees which would have been valid if such regulation had not been made.

**18.** Without prejudice to the general powers conferred by Other powers of board of trustees the last preceding clause of this Ordinance and the other powers conferred by this Ordinance, it is hereby expressly declared that the board of trustees shall have the following powers, that is to say, power:

1. To pay the costs, charges and expenses preliminary and incidental to the promotion, formation and establishment of the corporation and the passing of this Ordinance.

2. From time to time at their discretion to raise or borrow any sum or sums of money for the purposes of the corporation but so that the amount at any time owing in respect of moneys so raised or borrowed shall not without the sanction of a general meeting of the shareholders exceed the nominal amount of the capital.

Nevertheless no lender or other person dealing with the corporation shall be concerned to see or enquire whether this limit is observed.

3. To raise or secure the repayment of such moneys in such manner and upon such terms and conditions in all respects as they think fit and in particular by mortgaging all or any part of the real and personal property of the corporation or by promissory note or other negotiable instrument or by the issue of debentures or debenture stock of the corporation charged upon all or any part of the property of the corporation including its unpaid capital for the time being.

4. To purchase or acquire by gift or otherwise any property rights or privileges which the corporation is authorised to acquire at such price and generally on such terms and conditions as they may deem proper.

5. To determine who shall be entitled and have power to sign on behalf of the corporation, deeds, transfers, mortgages, leases, contracts, receipts, releases, discharges, cheques, promissory notes and other negotiable instruments and all other documents necessary or incidental to the business of the corporation.

6. To fix and determine the officers of the corporation and the mode of electing or appointing the same and their respective powers, duties, salaries and qualifications.

7. To select, appoint and engage all such teachers, instructors, servants and employees as they may deem necessary in connection with the said institution and to fix and determine their respective terms of office, powers, duties, salaries and qualifications, and the same from time to time to dismiss and discharge.

8. To make such regulations for the management, government and discipline of the said institution for the admission of pupils or students thereto and for determining their courses of studies and the fees to be paid by such pupils or students as they may deem proper.

9. To provide for the boarding and lodging in a residence or residences, connected with the said institution, of such pupils or students as may desire the same and to fix the terms and charges therefor and the mode of payment thereof.

10. To enter into any arrangements with any authorities, legislative, municipal, local or otherwise, that may seem conducive to the objects of the corporation or any of them and to obtain from any such authority any rights, privileges and concessions which the corporation may think it desirable to obtain and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.

11. To erect, construct, furnish, equip, maintain and alter any buildings necessary or convenient for the purposes of the corporation.

12. To delegate any of their powers to an executive or other committee or committees consisting of such member or members of their own body as they think fit; provided that any committee so formed shall in the exercise of the powers so delegated conform to any regulation that may from time to time be imposed upon it by the board of trustees.

13. To appoint such person or persons as they may deem proper to be visitor or visitors of the said institution with such powers of inspection and report as the board of trustees may decide.

14. To provide for and regulate the transfer and registration of shares in the corporation.

15. Subject to the approval of the shareholders in general meeting to declare a dividend to be paid to the shareholders in proportion to their respective shares provided that no dividend shall be payable except out of the profits arising from the business of the corporation, and provided further that no such dividend shall exceed three per cent. per annum upon the capital stock of the corporation.

16. From any funds on hand to establish any scholarship or scholarships upon such conditions as they may deem proper.

17. To enter into all such negotiations and contracts, and to rescind and vary all such contracts, and to execute and do all such acts, deeds and things in the name and on behalf of the corporation as they may consider expedient for or in relation to the matters aforesaid or any of them, or otherwise for the purposes of the corporation.

19. The board of trustees and any executive or any committee thereof may regulate their respective meetings, the mode of calling the same, and the proceedings thereat, as they think fit, and may respectively determine the quorum necessary for the transaction of business at any such meeting. Meetings of board of trustees

20. A resolution in writing, signed by all the members of the board of trustees, or by all the members of any executive or other committee, shall be as valid and effectual as if it had been passed at a meeting of the board of trustees, or of any such committee, respectively duly called and constituted. Resolution when no meeting held

21. Any casual vacancy occurring on the board of trustees may be filled up by the board of trustees but any person chosen to fill such vacancy shall retain his office so long only as the vacating trustee would have retained the same if no vacancy had occurred. Vacancy in board of trustees

22. All acts done by any meeting of the board of trustees or by any executive, or other committee of such board, or by any person acting as a member of such board or committee, shall, notwithstanding that it shall afterwards be discovered that there was some defect in the appointment of such trustees, committee, or persons, or any of them acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a trustee or member of such committee. Validity of acts of board of trustees, etc

23. The board of trustees shall cause to be kept a book or books wherein shall be recorded— Recorder of board

(a) The names alphabetically arranged of all persons who are or have been shareholders.

(b) The post-office address of each shareholder as furnished by him and also the occupation or calling of such shareholder.

(c) The number of shares held by each shareholder.

(d) The amount paid in and the amount unpaid by each shareholder upon the shares held by each shareholder.

(e) All transfers or surrenders of shares in their order as presented to the proper office for entry, with the date and other particulars of said transfer or surrender.

(f) The names, addresses and calling of the several persons who are or have been members of the board of trustees, with the date at which each became and ceased to be such member.

(g) The names and addresses of the officers of the corporation.

Inspection of  
books

**24.** All creditors and shareholders of the corporation, or their representatives, shall at all reasonable times be permitted to inspect the said book or books at the office of the corporation and to make copies or extracts therefrom.

Validity of  
contracts

**25.** Every contract, agreement, or engagement made on behalf of the corporation by any officer, agent or servant of the corporation in general accordance with his powers as such under the bylaws or regulations thereof, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the corporation annexed thereto, nor shall the party so acting as such officer, agent or servant be thereby subjected personally to any liability to any third party therefor.

Liability of  
shareholders

**26.** Each of the shareholders of the corporation shall until the whole of his or her shares shall have been paid up be personally liable to the creditors of the corporation to an amount equal to the amount due and not paid up thereon, but shall not be liable to an action by any creditor before an execution against the corporation has been returned unsatisfied in whole or in part, and the amount due on such execution to the extent of the amount due and unpaid on such shares shall be the amount recoverable against such shareholder.

Shareholders  
liable only for  
amount unpaid  
on shares

**27.** No shareholder in the corporation shall as such be held liable or responsible for any act, default, or liability whatsoever of the corporation, or for any engagement, claim, payment, loss, damages, injury, transaction, matter or thing whatsoever relating to or connected with the corporation beyond the amount due and unpaid on the share or shares held by such shareholder in the capital stock of the corporation.

Return to  
Lieutenant  
Governor or  
Assembly

**28.** The corporation shall at all times when thereunto required by the Lieutenant Governor, or the Legislative Assembly, make a full return of its property, real and personal, and of its receipts and expenditures for such period, and with such details and other information as the Lieutenant Governor or the Legislative Assembly may require.



1903

## CHAPTER 40

### An Ordinance to incorporate "The Western Canada Historical Society."

[Assented to June 19, 1903.]

**W**HEREAS the persons hereinafter named have petitioned Preamble  
for an Ordinance constituting them a body corporate with the powers and for the purposes hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition:

**T**HEREFORE the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. William Pearce, Rev. J. C. Herdman, Frank Oliver, Chas. A. Stuart, John F. Boyce, George A. Ings, James R. Sutherland, Rev. John McDougal, J. W. Costello, Thomas Tweed, Thomas McKay, James Bannerman, Hector McKenzie, A. C. Rutherford, Richard Secord, J. W. Shera, A. S. Rosenroll, C. O. Swanson, Rev. Leo Gaetz, Sage M. Bannerman, John A. Simpson, William Cousins, William T. Findlay, Horace Greeley, John Dixon, C. A. Magrath, P. L. Naismith, C. F. P. Conybeare, E. T. Galt, F. W. G. Haultain, William Grant, T. A. Patrick, D. H. McDonald, Geo. Watson, Angus McKay, Donald McLean, Hon. James H. Ross, Richard B. Bennett, R. G. Brett, Howard Douglas, William Whyte, J. S. Dennis, Martin Beattie, Leverett G. DeVeber, John Patterson, Richard A. Wallace, John Herron, John Simpson, John A. McDougall, R. C. McDonnell, J. T. Childs, James D. Lafferty, and all other persons who from time to time become members of the society hereby constituted in accordance with the bylaws and regulations thereof shall be and are hereby constituted a body corporate by the name of "The Western Canada Historical Society," hereinafter called "the society," and by that name shall have perpetual succession and a common seal with power to sue and to be sued, plead and to be impleaded in all courts whatsoever and to acquire, hold possession of and enjoy by a legal title, for the use of the society, any real or personal property, and to alienate, sell, transfer, lease, mortgage, or otherwise dispose of or deal with the same provided always that the annual value of the real estate held at any one time shall not exceed five thousand dollars:

Provided always that no member of the society shall be in any way liable or chargeable with the payment of any debt or demand due from or owing by the society beyond the extent

of the entrance fee and the annual subscriptions remaining unpaid by the said member.

Objects of  
society

**2.** The objects of the society shall be, and the society shall have power, to engage in the collection, preservation, exhibition and publication of materials for the study of the history of Western Canada, and to acquire documents and manuscripts, to obtain narratives and records of pioneers, to conduct a library of historical reference, to maintain a gallery of historical portraiture and an ethnological and historical museum, to publish and diffuse information relative to the history of Western Canada and to establish local affiliated societies in the different districts of Western Canada.

Power to pass  
bylaws

**3.** The society shall have power to enact bylaws, rules and regulations for the management of its affairs and the affiliation of local societies and may amend, repeal or re-enact the same observing always such formalities as may be laid down with respect to such amendment, repeal or re-enactment in the said bylaws themselves; provided that no such bylaws, rule or regulation shall be inconsistent with the provisions of this Ordinance.

Executive  
council to  
manage affairs

**4.** The affairs of the society shall be managed by an executive council consisting of William Pearce, who shall be provisional president; Rev. James C. Herdman, D.D., who shall be provisional 1st vice president; Frank Oliver, M.P., who shall be provisional 2nd vice president; Charles A. Stuart, who shall be provisional secretary treasurer, and John F. Boyce, George A. Ings, James R. Sutherland, George A. Kennedy, Reverend John McDougall, John W. Costello, Thomas Tweed and Thomas McKay, who shall be provisional members of the said executive council, and the said persons shall hold the said offices and be members of the said executive council until their successors are elected at a meeting of the members of the society held in accordance with the bylaws of the society provided that the number and composition of the said executive council and the names of and duties attaching to the said offices above mentioned may be altered in the same way as the bylaws of the society may be amended.

Restrictions  
as to holding  
property

**5.** The society shall not hold any property except as set forth in section 1 hereof and such as shall be derived from the following sources, that is to say, the life, annual or other subscriptions of members, donations, bequests, legacies made to the society and such other money or property as may be acquired through the ordinary transactions of the society and the moneys derived from the fines and forfeitures lawfully imposed by its bylaws.

Liability and  
withdrawal of  
members

**6.** All subscriptions, penalties and annual or other fees due to the society under any bylaw may be recovered by

suit in the name of the society, but any member may withdraw therefrom at any time on payment of all accounts due by him to the society inclusive of his subscription for the year then current and upon notifying the society in writing of his withdrawal and payment of accounts then due he shall cease to be a member of the society.

7. Any historical or pioneer society hereinafter becoming affiliated with the society in accordance with the bylaws of the society hereby constituted shall thereby become incorporated by the name under which it shall have become affiliated and shall have all the powers and privileges conferred by this Ordinance upon The Western Canada Historical Society upon passing a resolution to that effect stating the proposed corporate name and forwarding a copy of such resolution signed by its president and secretary to the Territorial Secretary.

Incorporation  
of societies by  
affiliation

8. Each society so affiliated shall send copies of all its publications or manuscripts to The Western Canada Historical Society from time to time as published or written and shall also make an annual report to the said society containing full information as to the officers, numbers of members and work done during the year.

Reports and  
publications  
of affiliated  
society

9. In case no meeting of the members of any such affiliated society with such quorum as may be fixed by its bylaws shall have been held for two consecutive years, such affiliated society shall cease to exist and shall no longer be a body corporate and the library, museum and all other property theretofore belonging to such affiliated society shall thereupon become vested in and be the property of The Western Canada Historical Society which may by its officers take possession of the same and retain the same until another society shall have been formed in the same locality and shall have been affiliated with The Western Canada Historical Society when the said property shall be handed over to such new society and shall again become the property of the same.

Consequence  
of failure  
of affiliated  
society to hold  
meetings for  
two years

10. In case The Western Canada Historical Society shall cease to exist its library, museum and other property shall forthwith become vested in the Lieutenant Governor for the uses of the Territories who may make such rules and regulations as to the custody and care thereof as may be deemed expedient.

Property of  
society to vest  
in Lieutenant  
Governor on  
its ceasing  
to exist.

1903

## CHAPTER 41

### An Ordinance to Incorporate "The Macleod Club."

[Assented to June 19, 1903.]

Preamble

**W**HEREAS the persons hereinafter named and others in the Town of Macleod and vicinity have associated themselves together for the establishment of a club for social purposes; and

Whereas the said persons hereinafter named have prayed to be incorporated by the name of "The Macleod Club" of the Town of Macleod in the North-West Territories and it is expedient to grant their prayer;

**T**HEREFORE the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Incorporation

**I.** G. A. Kennedy, J. B. Bright, Duncan J. Campbell, Charles D. T. Beecher, C. E. D. Wood, R. N. Wilson, E. H. Maunsell, T. H. Cowdry, R. G. Mathews, Francis W. B. George, B. C. Johnson, C. W. E. Gardiner, D. J. Grier, A. B. Macdonald, R. G. Macdonnell, Edward P. McNeill, F. W. G. Haultain, George Lane, W. F. Cochrane, J. E. M. Leeds, John Franklin, W. R. Stewart, A. C. Kemmis, Frederick J. Boulton, John Cowdry, G. F. Beere, R. B. Barnes, Malcolm McKenzie, C. C. Rhodes, William Renwick, S. DeRinzy, C. H. Baker, A. McDougall, W. C. Ives, H. M. Hatfield, C. M. O'Brien, J. R. Craig, J. C. Patterson, R. O. Sykes, H. Maunsell, F. W. Elliott, D. F. Johnston, A. R. Springett, J. C. Metge, Dr. O. C. Edwards, James Wilson, D. Browning, A. Browning, and all such other persons as are now or hereinafter shall become members of the said association shall be and are hereby declared to be a body corporate and politic in deed and in name by the name of "The Macleod Club" and by that name shall have perpetual succession and a common seal and shall have power from time to time and shall at all times hereafter be able and capable to purchase, acquire, hold, possess and enjoy and to have, take and receive to them and their successors and to and for the actual use of the said corporation any lands, tenements, hereditaments and real and immovable property and estate situate lying and being within the said Town of Macleod and the same to sell, alienate, exchange and otherwise dispose of or incumber whensoever the said corporation shall deem it proper so to do and by the same name shall and may be capable to sue, and be sued, implead and be impleaded, answer and be answered unto in any matter whatsoever.



2. The constitution, rules and regulations touching the administration of the said corporation shall be formulated at a general meeting thereof called for that purpose and of which at least ten days notice shall be given by public advertisement or otherwise to all the members thereof; and the constitution, rules and regulations then adopted shall have full force and effect in so far as the same shall not be inconsistent with the laws in force in the Territories and the provisions of this Ordinance:

Provided always that the said corporation may from time to time alter, repeal and change such constitution, rules and regulations in the manner therein provided.

3. The said corporation may from time to time borrow money not to exceed in the whole the sum of \$10,000 at such rate of interest and upon such terms as they may deem proper and may for such purpose make, execute or issue any mortgages, bonds, debentures or other instruments under the seal of the said corporation.

4. Any such mortgage, bond, debenture or other instrument shall be signed by the president of the said corporation and countersigned by the secretary.

5. The moneys authorised to be raised under the provisions of section 3 of this Ordinance shall be applied exclusively in the purchase of a site for the club buildings and in the purchase, improvement or erection of a club house and dependencies thereon together with necessary furniture or for the purchase of any freehold interest therein and in the payment of any mortgage or charge thereon and for the redemption of the said debentures and reissues as they become due respectively from time to time and at all times.

6. No member of the corporation shall be in any way liable for or chargeable with the payment of any debt or demand due by the said corporation beyond the extent of the entrance fee and annual subscriptions remaining unpaid by said member and for any unpaid accounts he may have incurred to the corporation for articles ordered by him in said club; and any member of the said club not so indebted to the said corporation may retire therefrom and will cease to be a member on giving notice to that effect in such form as may be required by the constitution, rules and regulations of the said club and thenceforth shall be free from liability for any debt or engagement of the corporation.

7. The said corporation shall have power to draw, make, accept and indorse all bills of exchange and promissory notes necessary for the purposes of the said corporation under the hands of the president and secretary thereof after authority of the committee of the said corporation so to do; and in no case shall it be necessary that the seal of the corporation be affixed

to any such bill or note nor shall the president or secretary be individually liable or responsible therefor :

Provided that nothing herein contained shall be construed to authorise the corporation to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as notes or bills of a bank.

Power to lease      **8.** Notwithstanding anything hereinbefore contained the said corporation shall have power to lease any portions of the real estate held by the said corporation upon such terms and for such period as may be agreed upon.

Short title          **9.** This Ordinance may be cited as "*The Macleod Club Ordinance.*"

1903

## CHAPTER 42

An Ordinance to incorporate the Bishop of the Russo-Greek Catholic Orthodox Church, and the Parishes and Missions of the said Church.

[Assented to June 19, 1903.]

**W**HEREAS the Bishop of the Russo-Greek Catholic Orthodox Church for North America and the Aleutian Islands, has petitioned that he, his successors in office having jurisdiction over the said church in Canada, and each of the duly authorised parishes and missions in the Territories be incorporated; and it is expedient to grant the prayer of the said petition; Preamble

**T**HEREFORE the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. The Bishop of the Russo-Greek Catholic Orthodox Church for North America and the Aleutian Islands and his successors in office, having jurisdiction in Canada, is hereby incorporated for the purposes mentioned in this Ordinance, under the name of "The Bishop of the Russo-Greek Catholic Orthodox Church," (hereinafter called the corporation sole) with all powers and privileges contained in paragraph 38 of section 8 of chapter 1 of The Consolidated Ordinances 1898. Incorporation

2. The corporation sole may receive and hold property of any kind for the uses and purposes of the Russo-Greek Catholic Orthodox Church, in the North-West Territories, including the uses and purposes of any parish or mission, institution, college, school or hospital, now or hereafter connected with the Russo-Greek Catholic Orthodox Church, and that it may receive any devise by will, gift, deed, conveyance of land or any estate or interest therein and sell, alienate, mortgage or lease any lands, tenements and hereditaments held by it. Power to hold real property

3. The corporation sole may exercise all its powers by and through an executive committee, or such boards or committees as the bishop from time to time appoints for the management of any of the affairs of the said bishopric in the North-West Territories, but in accordance only with the trust relating to any property upon or for which the same is held. Executive committee

4. The corporation sole shall appoint and fix at least one place in the Territories where service of process may be made Service of papers

upon the corporation sole in respect to any cause of action arising within the Territories, and may afterwards from time to time change such place. And a certificate fixing or changing any such place, under the seal of the corporation sole, and verified by the signature of the bishop of the said church, for the time being, shall be deposited in the office of the Registrar of Joint Stock Companies for the Territories. And if any cause of action shall arise against the corporation sole within the Territories and any writ or process be issued against the corporation sole thereon out of any court in the Territories, service of such process may be validly made upon the corporation sole at the place within the Territories so appointed and fixed; but if the corporation sole fail to appoint and fix such place, or to deposit, as hereinbefore provided, the certificate in that behalf above named, any such process may be validly served upon the corporation sole by service of the same upon any priest or officer in charge of the religious, educational or charitable institution, instituted under the provisions of this Ordinance, nearest to the place where such cause of action arose.

Execution  
of documents

5. Instruments executed by the corporation sole shall be verified by the signature of the bishop or a member of his consistory, for that purpose by him in writing appointed.

Incorporation  
of parishes  
and missions

6. The priest in charge and trustees of any parish or mission in the North-West Territories now or hereafter duly organised according to the constitution of the Russo-Greek Catholic Orthodox Church shall be a body politic and corporate and they and their successors, under the name of "The Russo-Greek Catholic Orthodox Parish (or Mission) of (*here insert the particular designation of the parish or mission in question*)," hereinafter called the corporation aggregate, with all powers and privileges contained in paragraph 38 of section 8 of chapter 1 of The Consolidated Ordinances of 1898.

Power to  
hold real  
property

7. Each corporation aggregate may receive and hold property of any kind for religious, educational and charitable uses and may receive by will, gift, deed, conveyance of land or any estate or interest therein, and sell, alienate, mortgage or lease any land, tenements and hereditaments held by it:

Provided that in the administration of real property as regards selling, exchanging, alienating, mortgaging or leasing (except as regards the sale of burial plots in any cemetery for which consent shall not be necessary), the corporation aggregate shall first obtain the consent of the bishop of the said church for the time being having jurisdiction over such parish or mission.

Execution of  
documents by  
corporation  
aggregate

8. Instruments executed by the corporation aggregate shall be verified by the signature of the priest in charge and trustees constituting the body corporate, and the consent to such dealing by the bishop as aforesaid, shall be verified by



his signature, or that of a member of his consistory for that purpose by him in writing appointed.

9. This Ordinance shall be a public ordinance.

Public  
Ordinance

1903

## CHAPTER 43

An Ordinance to amend Ordinance No. 31 of 1896, intituled "An Ordinance to Incorporate the Western Stock-Growers' Association."

[Assented to June 19, 1903.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 14  
amended

1. Section 4 of *The Western Stock Growers' Association Ordinance* is hereby amended by striking out the words "fourteen" and "eleven" where they occur therein and substituting therefor the words "eighteen" and "fifteen" respectively.

New Section 6

2. Section 6 of the said Ordinance is hereby repealed and the following substituted therefor:

Representa-  
tion on board  
of man-  
agement

"6. The president and vice presidents of the association shall be chosen from among the members of the association irrespective of the stock district in which they reside but the said committee of fifteen shall be chosen in such manner that one member thereof shall be a resident of the stock district of Sheep Creek and two members thereof shall be residents of each of the stock districts of Bow River, Medicine Hat, Maple Creek, Lethbridge, High River, Willow Creek and Pincher Creek."

Section 7  
amended

3. Section 7 of the said Ordinance is hereby amended by striking out the word "April" where it occurs therein and substituting therefor the word "May."

1903

## CHAPTER 44

### An Ordinance respecting "The Toronto General Trusts Corporation."

[Assented to April 25, 1903.]

**W**HEREAS The Toronto General Trusts Corporation, a Preamble company duly incorporated by letters patent in the Province of Ontario, has presented its petition praying that the necessary powers may be conferred upon it by the Legislative Assembly of the North-West Territories of Canada to enable it to carry on its business in the said Territories to the same extent as under its charter it is authorised to carry on such business in the Provinces of Ontario and in Manitoba, and to act in the North-West Territories of Canada as executor, trustee, administrator, guardian, committee and assignee.

And whereas no *cestui que* trust or person interested as a creditor has offered any opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition:

**T**HEREFORE the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. The Toronto General Trusts Corporation, hereinafter called the corporation, is recognised as a corporation with all the rights, powers and privileges extending to corporations incorporated by the laws of the Territories, and it is hereby authorised and empowered to carry on and transact its business in the North-West Territories to the same extent as it is empowered to carry on and transact its business in the Provinces of Ontario and Manitoba, and as if the corporation had been incorporated for its corporate purposes under the provisions of an Ordinance of the North-West Territories.

2. It shall and may be lawful for any court in the Territories having jurisdiction of the estates and wills of deceased persons, or of estates of minors, or of lunatics, or of other persons under guardianship, after the corporation shall have obtained the approval of the Lieutenant Governor in Council as hereinafter set forth, to appoint and commission the corporation with its consent, as the executor of any last will and testament, or as trustee of any trust under any will or deed, or as the administrator or administrator *de bonis non* or with the will annexed, of the estate of any deceased person, or as guardian, or as guardian *ad litem* or otherwise of the person

or estate of any minor or of any lunatic, or as the committee of the estate of any lunatic, in all cases where under the laws of the Territories such court could lawfully appoint and commission any natural person as such executor, administrator, guardian, trustee or committee, and in all such cases no bond or other security, or oath or other qualification shall be necessary to enable the corporation to accept such appointments and trusts, and all proper legal, usual and customary compensation, charges, costs and expenses shall be allowed to the said corporation for the care and management of the estate or persons so committed to it.

Approval of  
Lieutenant  
Governor

**3.** In case the Lieutenant Governor in Council shall approve of the corporation being accepted by the Supreme Court of the Territories, the said court, or any other court, or any judge having authority to appoint such an officer may, if he or they think fit, with the consent of the corporation, appoint the corporation to exercise any of the said offices or perform any of the said duties in this Ordinance referred to in respect of any estate under the authority of such court.

Inspection  
of affairs  
of company

**4.** In case of such appointment the corporation shall not be required to give any security, but such court, if it deems necessary, may from time to time appoint a suitable person to investigate the affairs and management of the corporation, who shall report thereon to such court, and regarding the security afforded to those by or from whom its engagements are held, and the expenses of such investigation shall be defrayed by the corporation, or the court may, if deemed necessary, examine the officers or directors of the corporation under oath or affirmation as to the security aforesaid. It shall also be competent for the Lieutenant Governor from time to time when he shall deem it expedient to appoint an inspector to examine the affairs of the corporation, and report to him on the security afforded to those by and for whom its engagements are held as aforesaid, and the expense of such investigation shall be borne by the corporation.

Revocation  
of approval

**5.** The Lieutenant Governor in Council may revoke the approval given under this Ordinance and no court or judge after notice of such revocation shall appoint the corporation to be executor, administrator, trustee, receiver, assignee, liquidator, guardian or committee unless the corporation gives the like security for the due performance of its duty as would be required from a private person.

Company  
may act  
as official  
guardian, &c

**6.** The corporation is hereby authorised to act as official guardian, official administrator and as assignee or trustee for the benefit of creditors under any Ordinance of the Legislative Assembly of the Territories, or any deed of trust or assignment and to receive and take the ordinary fees and charges as compensation therefor; but nothing herein contained shall be taken



to appoint the corporation an official assignee unless authorised and appointed by the Lieutenant Governor in Council. .

7. The corporation may guarantee any investments made by <sup>Guarantee</sup> it as agent or otherwise. <sub>investments</sub>

8. The corporation may take, receive and hold any real <sup>Hold</sup> <sub>real estate</sub> estate.



# CHRONOLOGICAL TABLE

## OF

### The Consolidated Ordinances 1898 and all Subsequent Ordinances.

#### LIST OF ABBREVIATIONS:

aff—affecting; am—amending; rep—repealing.

Year and Chapter of Ordinance.	SUBJECT MATTER.	Year and Chapter of Ordinance affecting, amending or repealing.				
		1899	1900	1901	1902	1903
C. O. 1898						
Chap. 1	Interpretation. ....			2, am		3, am
2	Legislative Assembly. ....	2, am			2, am	4, am
3	Elections. ....	3, am			3, am	
4	Controverted Elections. ....					
5	Public Service. ....			3, am		
6	Department of Attorney General. ....					
7	Department of Territorial Secretary. ....					
8	Department of Agriculture. ....					
9	Department of Public Works. ....			4, rep		
10	Treasury Department and Auditing. ....					
11	Public Printing. ....			5, am 6, am		
12	Public Inquiries. ....					5, am
13	Security by Public Officers. ....					
14	Vital Statistics. ....		2, am			
15	Expropriation. ....			4, rep		
16	Coal Mines Regulations. ....	4, am	3, am			
17	Steam Boilers Inspection. ....			7, rep		
18	Ferries. ....			4, rep		
19	Public Health. ....				4, rep	
20	Hospitals. ....			8, rep		
21	Judicature. ....	5, am	5, am	10, am	5, am	8, am
22	Clerks. ....	6, am	6, am	14, am		
23	Sheriffs. ....		7, am			
24	Commissioners. ....					
25	Notaries Public. ....					10, am
26	Creditors' Relief. ....					
27	Exemptions. ....			16, am		
28	Juries. ....					
29	Alimony. ....					
30	Slander. ....					
31	Limitation of Actions. ....					
32	Justices of the Peace. ....		8, am			
33	Constables. ....					
34	Distress. ....					
35	Arbitration. ....					
36	Investigation of Fires. ....					
37	Tenancy in common. ....					
38	Religious Societies' lands. ....					
39	Sales of Goods. ....					
40	Factors and Agents. ....					
41	Choses in Action. ....					
42	Preferential Assignments. ....					

Year and Chapter of Ordinance.		SUBJECT MATTER.	Year and Chapter of Ordinance affecting, amending or repealing.				
C.O. 1898	Chap.		1899	1900	1901	1902	1903
	43	Mortgages and Sales of Personal Property .....		12, am			
	44	Conditional Sales .....					
	45	Partnerships .....					
	46	Marriages .....			17, am		11, am
	47	Married Women's Property .....					
	48	Compensation for Injuries .....					
	49	Insurance for Wife and Children .....					
	50	Masters and Servants .....					
	51	Legal Profession .....	8, am	14, am	18, am		
	52	Medical Profession .....		15, am			12, am
	53	Dentistry .....	9, am	16, am		6, am	
	54	Chemists and Druggists .....				7, am	
	55	Veterinary Surgeons .....	10, am				
	56	Hotels and Boarding houses .....					
	57	Livery Sales Stables .....					
	58	Auctioneers, Hawkers and Pedlers .....					
	59	Mechanics' Liens .....					
	60	Threshers' Liens .....	11, am		19, am		
	61	Companies .....		17, am	20, rep		
	62	Changing Names of Companies .....			20, rep		
	63	Foreign Companies .....		18, am	*22, rep		14, rep
		<i>*(Disallowed, Can. Gazette, Vol. XXXV, p. 2417) .....</i>					
	64	Mining Companies .....		19, am	20, rep		
	65	Dairy Associations .....					
	66	Benevolent Societies .....					
	67	Mechanics' Institutes .....					
	68	Cemeteries .....					
	69	Agricultural Societies.....	13, am				
			14, rep				
	70	Municipalities .....	15, am	23, am	23, am	9, am	18, am
							19, am
	71	Assessment of Railways .....					
	72	Villages .....	16, am	25, rep			
	73	Local Improvement .....	17, am		27, rep		
	74	Irrigation Districts .....	18, am		28, am		
	75	Schools .....		26, am	29, rep		
	76	Marking and Inspection of Stock .....	19, rep				
			in part	22, rep			
	77	Fences .....	21, am	27, am			
	78	Stallions and Bulls .....		28, am			
	79	Pound Districts .....		29, am			
	80	Stray Animals .....		30, am			
	81	Herding of Animals .....					
	82	Protection of Sheep .....					
	83	Injury of Stock by Railway Trains .....					
	84	Noxious Weeds .....	22, rep				
	85	Protection of Game .....	23, am		32, am	10, am	
	86	Pollution of Streams .....					
	87	Prairie and Forest Fires .....					25, am
	88	Chimneys .....					
	89	Sale of Intoxicating Liquor .....		32, am	33, am		26, am
	90	Insane Persons .....	24, am				
	91	Profanation of Lord's Day .....					
	92	Use of Tobacco by Minors .....					
	93	General Trust Corporation of Canada .....					
1899							
Chap.	1	Appropriation .....					
	2	Legislative Assembly .....					
	3	Elections .....					



Year and Chapter of Ordinance.		SUBJECT MATTER.	Year and Chapter of Ordinance affecting, amending or repealing.				
1899			1899	1900	1901	1902	1903
Chap.	4	Coal Mines Regulations.....		3, am			
	5	Judicature.....					
	6	Clerks.....					
	7	Partnership.....					
	8	Legal Profession.....					
	9	Dentistry.....					
	10	Veterinary Surgeons.....					
	11	Threshers' Liens.....					
	12	Companies Winding Up.....			20, rep		
	13	Agricultural Societies.....	14, rep				
	14	" ".....		21, am			17, rep
	15	Municipalities.....					
	16	Villages.....		25, rep			
	17	Local Improvement..... {			26, aff 27, rep		
	18	Irrigation Districts.....					
	19	Inspection of Stock.....					
	20	Horse Breeders.....					23, rep
	21	Fences.....					
	22	Noxious Weeds.....		31, am			24, rep
	23	Protection of Game.....					
	24	Insane Persons.....					
	25	Calgary General Hospital.....					
	26	City of Calgary.....					27, am
	27	Indian Head.....		38, am			
	28	Town of Strathcona.....					32, am
	29	Edmonton Club.....					
	30	Qu'Appelle Grist Mill.....					
	31	Peace River Gold Dredging Company.....					
1900							
Chap.	1	Appropriation.....					
	2	Vital Statistics.....					
	3	Coal Mines Regulations.....					
	4	Public Lands.....			4, rep		
	5	Judicature.....					
	6	Clerks.....					
	7	Sheriffs.....					
	8	Justices of the Peace.....					
	9	Remission of Penalties.....					
	10	Confirmation of Tax Sales.....			12, rep		
	11	Assignments for Creditors.....					
	12	Mortgages and Sales of Personal Property.....					
	13	Workmen's Compensation.....					
	14	Legal Profession.....					
	15	Medical Profession.....					
	16	Dentistry.....					
	17	Companies.....			20, rep		
	18	Foreign Companies.....			*22, rep		14, rep
		*(Disallowed Can. Gazette Vol. XXXV, p. 2417).....					
	19	Mining Companies.....			20, rep		
	20	Hail Insurance.....			9, rep		
	21	Agricultural Societies.....					17, rep
	22	Brands.....					22, am
	23	Municipalities.....					
	24	Municipal Grants.....					
	25	Villages.....			25, rep		
	26	Schools.....			29, rep		
	27	Fences.....					
	28	Stallions and Bulls.....					
	29	Pound Districts.....					
	30	Stray Animals.....					
	31	Noxious Weeds.....					24, rep

Year and Chapter of Ordinance.		Year and Chapter of Ordinance affecting amending or repealing.				
1900		1899	1900	1901	1902	1903
Chap. 32	Sale of Intoxicating Liquor.					
33	Provident Trust and Investment Company.					
34	Presbyterian Church.					
35	Edmonton Municipal Works				15, am	
36	Town of Edmonton					
37	Town of Lethbridge.					
38	Indian Head					
39	City of Calgary					
40	South Qu'Appelle					
41	Town of Yorktown					31, am
42	Regina Hospital.				24, am	34, am
43	Edmonton Public Hospital.					
44	Prince Albert Victoria Hospital.					
45	Medicine Hat General Hospital.					
1901						
Chap. 1	Appropriation.					
2	Interpretation.					
3	Public Service.					
4	Public Works.					6, rep ss. 31-46
5	Public Printing					
6	Public Printing					
7	Steam Boilers.					
8	Hospitals.					
9	Hail Insurance.					7, rep
10	Judicature					
11	Decision on Constitutional Questions					
12	Confirmation of Tax Sales					9, am
13	Devolution of Estates.					
14	Clerks.					
15	Official Auditors					
16	Exemptions					
17	Marriages					
18	Legal Profession					
19	Threshers' Liens					
20	Companies					
21	Water, Gas, Electric and Telephone Companies.					
22	Foreign Companies (Disallowed. Can. Gazette, Vol. XXXV, p. 2417)					8, am
23	Municipalities.					19, am
24	Exemption of Beet Sugar Factories.					
25	Villages					20, am
26	Local Improvement.					
27	" "					
28	Irrigation Districts.					
29	Schools.					
30	School Assessment.					21, am
31	School Grants.					
32	Protection of Game					
33	Sale of Intoxicating Liquor.					26, am
34	North Eastern Stock Growers' Association					
35	British Canadian Trust and Guarantee Company.					
36	Saskatchewan Exploration Company				14, am	
37	Chinook Club of Lethbridge.					
38	Town of Whitewood					
39	Town of Wolseley.					

Year and Chapter of Ordinance.	SUBJECT MATTER.	Year and Chapter of Ordinance affecting, amending or repealing.				
		1899	1900	1901	1902	1903
1901						
Chap. 40	City of Calgary.. . . .					27, am
41	"					
42	Town of Red Deer.. . . .					
43	Town of Cardston.. . . .					
1902						
Chap. 1	Appropriation.. . . .					
2	Legislative Assembly.. . . .					4, am
3	Elections.. . . .					
4	Public Health.. . . .					
5	Judicature.. . . .					
6	Dentistry.. . . .					
7	Chemists and Druggists.. . . .					
8	Foreign Companies.. . . .					
	(Disallowed.)					
9	Municipalities.. . . .					
10	Protection of Game.. . . .					
11	Protection of Useful Birds.. . . .					
12	R.C. Bishop of Athabasca.. . . .					
13	Sisters of Charity.. . . .					
14	Saskatchewan Exploration Company.. . . .					
15	Edmonton Municipal Works.. . . .					
16	Town of Edmonton.. . . .					
17	City of Calgary.. . . .					
18	Town of Lethbridge.. . . .					30, am
19	Indian Head.. . . .					
20	Town of Indian Head.. . . .					
21	Red Deer Memorial Hospital.. . . .					
22	Memorial Hospital of Pincher Creek.. . . .					
23	Yorkton Cottage Hospital.. . . .					37, am
24	Regina Hospital.. . . .					
25	National Trust Company.. . . .					
1903						
Chap. 1	Appropriation (interim).. . . .					
2	"					
3	Interpretation.. . . .					
4	Legislative Assembly.. . . .					
5	Public Inquiries.. . . .					
6	Drainage.. . . .					
7	Hail Insurance.. . . .					
8	Judicature.. . . .					
9	Confirmation of Tax Sales.. . . .					
10	Notaries Public.. . . .					
11	Marriages.. . . .					
12	Medical Profession.. . . .					
13	Companies Winding Up.. . . .					
14	Foreign Companies.. . . .					
15	Trust Companies.. . . .					
16	Fire Insurance Policy.. . . .					
17	Agricultural Societies.. . . .					
18	Municipalities.. . . .					
19	"					
20	Villages.. . . .					
21	School Assessment.. . . .					
22	Brands.. . . .					
23	Horse Breeders.. . . .					
24	Noxious Weeds.. . . .					
25	Prairie Fires.. . . .					
26	Sale of Intoxicating Liquor.. . . .					
27	City of Calgary.. . . .					
28	City of Regina.. . . .					
29	Town of Moosomin.. . . .					
30	Town of Lethbridge.. . . .					

Year and Chapter of Ordinance.	SUBJECT MATTER.	Year and Chapter of Ordinance affecting, amending or repealing.				
		1899	1900	1901	1902	1903
1903						
Chap. 31	Town of Yorkton . . . . .					
32	Town of Strathcona . . . . .					
33	Moose Jaw Municipal Works . . . . .					
34	Regina Victoria Hospital . . . . .					
35	Calgary General Hospital . . . . .					
36	Galt Hospital . . . . .					
37	Yorkton Cottage Hospital . . . . .					
38	Moose Jaw General Hospital . . . . .					
39	Western Canada College . . . . .					
40	Western Canada Historical Society . . . . .					
41	Macleod Club . . . . .					
42	Russo-Greek Catholic Church . . . . .					
43	Western Stock Growers Association . . . . .					
44	Toronto General Trusts Corporation . . . . .					



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